

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

FEBRUARY 25, 1998

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, February 25, 1998, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Mark F. Schroeder; with the following present: Chairman Pro Tem Paul W. Hancock; Commissioner Betsy Gwin; Commissioner Thomas G. Winters; Commissioner Melody C. Miller; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Lewis R. Rogers, Assistant County Manager; Mr. Daryl Gardner, County Controller; Mr. David C. Spears, Director, Bureau of Public Services; Mr. Paul R. Rosell, Chief Deputy, County Clerk's; Ms. Mary Anne Nichols, Director, Personnel Department; Mr. John DuVall, Director, Operations, COMCARE; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Mr. Darren Muci, Director, Purchasing Department; Mr. Ken Arnold, Director, Capital Projects Department; Ms. Cecile Gough, Operations Administrative, Department of Corrections; Ms. Stephanie Knebel, Project Manager, Capital Projects Department; Mr. Jack Brown, RS, MPA, Acting Director, Health Department; Mr. Mark Borst, Deputy Director, Bureau of Public Services; Mr. Fred Ervin, Director, Public Relations; and Ms. Linda M. Leggett, Deputy County Clerk.

GUESTS

Ms. Gretchen Sharp, Clerk, Attica Township
Ms. Phyllis Brooks, Fiscal Assistant, Appraiser's Office
Mr. Mark Savoy, Savoy, Ruggles & Bohm
Mr. Robert Kaplan, 430 North Market, Wichita, Kansas
Ms. Jeannie Wayne, 1952 South 123rd East, Wichita, Kansas
Ms. Marticia Meier, 12402 East Osie, Wichita, Kansas
Ms. Patricia Brittain, 12629 East Harry, Wichita, Kansas
Mr. Terry Smythe, Baughman Company

INVOCATION

The Invocation was given by Mr. Chuck McCoy of the Christian Businessmen's Committee.

FLAG SALUTE

ROLL CALL

The Clerk reported, after calling roll, that all Commissioners were present.

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CERTIFICATION AS TO THE AVAILABILITY OF FUNDS

Mr. Lewis R. (Bob) Rogers, Assistant County Manager, greeted the Commissioners and said, "Commissioners, I'm sorry. Our Finance Director is stuck on eight right now. She is having trouble getting an elevator to get down here. I will certify to you that funds are available for today's meeting on those items that you are considering today."

Chairman Schroeder said, "Do you have proper certification to certify that Mr. Rogers?"

Mr. Rogers said, "I hope so."

Chairman Schroeder said, "Thank you, Bob. Next item please."

APPOINTMENT

A. APPOINTMENT.

1. RESIGNATION OF JIM FOUTS FROM THE POSITION OF CLERK OF ATTICA TOWNSHIP.

Mr. Richard A. Euson, County Counselor, greeted the Commissioners and said, "Mr. Fouts has submitted his resignation and we ask that you accept it."

MOTION

Commissioner Winters moved to accept the resignation.

Commissioner Gwin seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

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| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

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Chairman Schroeder said, "Thank you. Next item."

2. RESOLUTION APPOINTING GRETCHEN L. SHARP (COMMISSIONER WINTERS' APPOINTMENT) AS CLERK OF ATTICA TOWNSHIP.

Mr. Euson said, "Commissioners, we have prepared this Resolution which will fill the vacancy just created by you. The Resolution is in proper form and we ask that you approve it."

Chairman Schroeder said, "Thank you. Commissioners?"

MOTION

Commissioner Hancock moved to adopt the Resolution.

Commissioner Winters seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

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| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, "Commissioners, I believe Gretchen is here today to be sworn in. Gretchen, will you please come forward."

Mr. Paul Rosell, Chief Deputy Clerk, said, "Please raise your right hand. Just I do swear at the end of this.

"I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas, and faithfully discharge the duties of the office of Attica Township Clerk, so help me God."

Ms. Gretchen Sharp said, "I swear to this."

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Chairman Schroeder said, "Thank you, Gretchen. We appreciate your willingness to serve. People like yourself are very valuable to the community and you work very expensively, absolutely nothing comes your way and we appreciate that concern and your desire to make the community a better place to live. Thank you, Gretchen, for volunteering. Appreciate it. Next item please."

RETIREMENT

B. PRESENTATION OF RETIREMENT CLOCK TO PHYLLIS BROOKS.

Ms. Mary Anne Nichols, Personnel Director, greeted the Commissioners and said, "Is it my privilege this morning on behalf of the Board to present a retirement certificate to Phyllis Brooks. Phyllis Brooke, is a Fiscal Assistant with the Appraiser's Office, and will retire March 1, 1998, after ten years of service. Phyllis was hired on October 2, 1987, as an Office Assistant, became an Administrative Assistant on January 1, 1992, and was reclassified to a Fiscal Assistant on October 1, 1996. I talked with Phyllis and she said this is great. She is on to a new life. She is going to participate in her arts and her music and work with the blind. She is really happy about retiring. We want to wish her well. Phyllis."

Chairman Schroeder said, "Congratulations Phyllis, we really appreciate that. On behalf of the Board of Sedgwick County Commissioners, we want to congratulate you and thank you for your years of service to the County and our citizens. We hope that you enjoy your retirement and have fond memories of the County. Again, we do appreciate all your services."

Ms. Phyllis Brooks said, "Thank you, sir. I'm not good at long speeches, but I do have one thing to say. I am very proud and I thank you for this clock. I'd like to say that life is good. I am so happy to have been able to accept this. I intend to start a new life and have fun doing it. Thank you very much and a special thanks to every one of my colleagues."

Commissioner Hancock said, "Next item please."

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DONATION

C. DONATIONS.

1. DONATION OF \$10 TO BE USED FOR COMCARE'S SUPPORTED EDUCATION PROGRAM.

Mr. John Duvall, Director of Operations, COMCARE, greeted the Commissioners and said, "COMCARE has received a donation of \$10, which has been designated for the supported education program. This particular program provides financial assistance to COMCARE consumers for education pursuits. This may involve GED training, vocational training, or even at some level college level courses. I would recommend you accept the donation and authorize the Chairman to sign a letter of appreciation."

MOTION

Commissioner Gwin moved to accept the donation and authorize the Chairman to sign a letter of appreciation.

Commissioner Hancock seconded the Motion.

Chairman Schroeder said, "Commissioner Miller."

Commissioner Miller said, "John, for the public's sake, when an individual or organization donates to COMCARE, can it be targeted or earmarked for a specific program or is it just at the wishes of the Department?"

Mr. DuVall said, "It depends upon the individual. The individual may designate it for a specific program. In fact, actually in the past year we have seen more donations targeted toward a specific program such as this supported education. If there is no specific designation we will generally just either inquire of the donor or put it into the general fund and use it for the general advancement of what is going on with COMCARE."

Commissioner Miller said, "Okay, thank you. Thank you."

Chairman Schroeder said, "Thank you. Other questions or comments? Clerk, call the vote."

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VOTE

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| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, "Thank you. Next item."

2. DONATION OF \$25 TO BE USED FOR COMCARE'S SUICIDE PREVENTION PROGRAM.

Mr. DuVall said, "This donation of \$25 as indicated will be used within COMCARE's suicide prevention program. Recommend you accept the donation and authorize the Chairman to sign a letter of appreciation."

Chairman Schroeder said, "Thank you. Discussion? It not, what's the will of the Board?"

MOTION

Commissioner Hancock moved to accept the donation and authorize the Chairman to sign a letter of appreciation.

Commissioner Miller seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

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| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, "Thank you, John."

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Mr. DuVall said, "Thank you, Commissioners."

Chairman Schroeder said, "Before we go on to the next item, before we start these Planning Department items, I need to let the public know that Item 1, which is the public hearing regarding vacation in the Valley Hi Street area and Item 5, the salt water mining located north of 111th, both of those will be deferred. As we get to those Marvin, if you could give those times that they would like to bring those back for discussion. We'll do that at that time, but if there is anybody here for Items 1 or 5 under our Planning Department, I want to let you know ahead of time that those have been delayed. Thank you. Next item."

PLANNING DEPARTMENT

D. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD).

- 1. PUBLIC HEARING REGARDING CASE NUMBER V-2053 - REQUEST TO VACATE A CONTINGENT DEDICATION OF VALLEY HI STREET EAST OF CITYVIEW STREET, GENERALLY LOCATED SOUTH OF MAPLE AND WEST OF 135TH STREET WEST.'**

Mr. Marvin Krout, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "I think I will tickle your interest with this just to see where this first case is, but apparently we'll be coming back to you. If you could provide the first slide.

SLIDE PRESENTATION

"This is a request, this is an advertised public hearing by the way, and this is a request to vacate a 35 foot strip. It is intended as a future half street right-of-way. It was dedicated many years ago as part of that O'Dell White Addition back in the 1970s. This is a panhandle lot, Lot 2, so that is all part of the ownership of Lot 2. It is a 35 foot contingent dedication. The contingency is that if and when the property to the south developed and provided a like amount of right-of-way, then that contingency would be triggered and the right-of-way would be available to be used as a street that would be shared by the property owners on both sides.

"The owner of the property here, and it is the developing Auburn Hills area, objects to the vacation of the right-of-way. The attorney representing the applicant, who is the owner of Lot 2 and this 35 foot strip, had minor surgery earlier this week. He was unable to come to the meeting this morning and has requested that you defer this public hearing and continue it to a future date.

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“The attorney representing the opposing part to the south is here this morning and has indicated that it would be acceptable to him to have this case continued for three weeks until March 18. So we would recommend that you continue the hearing for three weeks. I think you need to open it up and ask if there are any comments, but we would recommend that you do defer this hearing.”

Chairman Schroeder said, “Okay. Do you want us to open it up and delay decision or do you want us to just defer the entire case for three weeks?”

Mr. Krout said, “I’d defer to Rich on that.”

Chairman Schroeder said, “Mr. Counselor, what do you think is the proper thing to do?”

Mr. Euson said, “I think it would be appropriate to defer the hearing so that you can hear both of the attorneys who are going to want to speak on this matter.”

MOTION

Chairman Schroeder moved to defer the hearing for three weeks until March 18.

Commissioner Winters seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

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|--------------------------------|-----|
| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, “Thank you. Next item please.”

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- 2. CASE NUMBER SCZ-0758 - ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "SF-6" SINGLE-FAMILY RESIDENTIAL ON PROPERTY LOCATED SOUTH OF HARRY, WEST OF 123RD STREET EAST.**

SLIDE PRESENTATION

Mr. Krout said, "This case concerns 80 acres. It is the black taped area and it is half of a quarter section. It is in the Four Mile Creek Basin. It is on the south side of Harry, which is right here. It is a quarter mile east of 127th Street. This street here is 123rd Street, which is the quarter mile east of 127th. The request is for the SF-6 District, from SF-20, which is 20,000 square foot lots in generally suburban areas where there is not water and sewer available. The request is for SF-6, which is the standard urban density development with lots as small as 6,000 square feet permitted through platting. It is intended for areas where both public water and public sewer are available. The standard category for single family development for urban areas in the County. There is public water and public sewer that is available. There is water at Harry Street. There is Four Mile Creek sewer that is available and can be extended to this site from the north and east. The plan is for a single family subdivision and I'll show you a picture of that subdivision in just a minute, with lots arranging from about 8,600 to 9,000 square feet up to well over 10,000 square feet, with about 20 to 25% of the area left in open space reserve for open space and drainage purposes.

"To the east of this tract, all of this immediate area is also zoned SF-20. To the east of this area is McEvoy Addition. It is an older addition with one and two acres lots. This is one of the subdivisions that was in the path of the tornado several years ago. There has been significant rebuilding in that area since. The land to the west and the south are undeveloped. There is another suburban subdivision along Spring Branch of Four Mile Creek. This tract drains to Spring Branch and then Spring Branch into Four Mile Creek further to the east. You see the City limits of Wichita about a quarter of a mile further to the north. This is a new SF-6 type development. It was annexed into the City and automatically took the SF-6 category and is being developed now as a single family subdivision. To the south and west, and I think you can see from the aerial photograph, there is also a suburban density development, Greenwich Heights Addition, an older addition that has somewhat larger lots than are planned here but smaller lots than are planned in this area.

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“The staff recommended approval of this request. An urban density development of this type is consistent with the 1993 Comprehensive Plan. Let me get to that plan. Here is the aerial photograph. It is a better look of the McEvoy Addition, the tract in question, Harry Street, 123rd Street. This is the Spring Branch and this is the undeveloped land to the south and west and the Greenwich Heights area to the south and west. The Comprehensive Plan in 1993 and not only that plan but even the 1978 adopted Comprehensive Plan indicated that this general area from north of 21st Street North to south of Pawnee and from the city limits of Wichita all the way out to the Butler County line, were planned for the extension of public water and public sewer and planned for urban density development. Typical development at anywhere from one, two, three, or four units an acre with single family development because services were planned for that area and that would be the efficient use and appropriate use of land when public services are made available.

“So there is a presumption. I think it is important to point out that if someone is asking to rezone to a category that is consistent with the Comprehensive Plan, there is a real burden on the Planning Commission’s part and your part to look for reasons to overcome that presumption that it is a reasonable request because it is consistent with the plan. In addition, I think it is interesting to point out, I haven’t shown you this map recently, you may have seen it from County GIS (Geographic Information System), but if you look again, this is the Four Mile Creek area. This is a map, not an official zoning map, but it is a map that shows the zoning by parcels. The flesh toned areas are the areas that are zoned SF-20, but the white areas are the areas that have been zoned SF-6. So we’ve had more development north of Kellogg in the Four Mile Creek area than we have south. That is partly the school district issue, but we’re starting to see more development. I think this tract that you are looking at, which would be right here, is in the path of that development. On the north side, there have been a number of tracts that have been rezoned by the County, including Preston Trails, White Tails, and Cobblestone, and all the Crestview Additions, and the resent Pinehurst Addition and the Belle Terre Addition. On the south side of Kellogg, the City has rezoned through annexation the Smithmoor Addition over here and this new Woodland Lakes Estates Addition, and then the County has rezoned in recent years all of the Springdale Lakes and there are so many Springdale Additions out there I can’t remember them all, but several Springdale Additions, Harbour Lakes Estates, several additions even south of Kellogg. So what you are seeing is a gradual filling in of this pattern of the previous suburban densities when people had to rely on septic tanks or lagoons for development. Now that sewer is available, the City and the County consistently approve zoning for the higher urban density.

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“The Planning Commission, let me go back to the first slide. This was the preliminary plat that was submitted originally at the same time that the zoning case was being heard in December by the Planning Commission. You can see the open space and drainage is here, here, here, and back in here. This is the pattern. Notice that there are two outlets to 123rd Street. There are over 20 lots in the original plan that were facing onto 123rd Street. They are large lots with homes that face on the other side of 123rd and this is a narrow country lane. In this scheme, the developer would have been required to widen this road and the neighbors were concerned about the overall issue of density and whether or not this kind of development was compatible with the suburban character of their neighborhood. But they were also concerned with the specifics of this plat and particularly with the lots that were facing 123rd, the fact that the street would be improved. They weren't sure if they were going to have to help pay for it, although I don't think they would have been and then it had outlets in two places to 123rd Street and even though that might not be the most natural direction of the traffic for people wanting to get out of this subdivision, they were concerned that it would increase their traffic.

“The Planning Commission deferred this hearing and we also went back to the drawing board, the applicant did, and met with the neighbors and worked out a revised plat which was heard by the subdivision committee and then came back to the Planning Commission as a revised plat, the same time they heard the zoning last month. This revised plat cuts out about ten lots that I think goes from 194 to 184. There are no lots any more that face on to 123rd Street. They all either backup or in one case here sides to a 123rd Street. The Planning Commission's vote, the other concern was that there was still one access point that was left here. The staff did not believe this was going to be a problem. We didn't think an access point near the south, given the traffic patterns, was going to result in any significant traffic into McEvoy. But we also realized that was an important issue for people in the McEvoy addition. So we sort of reluctantly agreed to suggest to the Planning Commission that they might consider this as an emergency access only. So there will be no daily access. This will be gated and grass creted at the edge so there won't be any regular access to the subdivision from that direction. You notice the plat does have an access point for future development to this undeveloped area to the west, also to the south, so there will be other connections which we think is important, but there won't be one that the McEvoy people are concerned about. We also increased the number of openings at Harry from one to two to make it take a little more convenient to get out onto Harry for residents. So that was the revised plan. At the same time that it was being deferred, the two parties, the attorney representing McEvoy residents and the applicants began discussions about some private covenants. Those would go beyond what you would normally be dealing with here in zoning and platting. They had to do with minimum floor areas and construction standards for the development itself. Originally, there was discussion about fencing along this area. That is, I believe, part of the covenants.

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"In addition, there has been recent discussion about landscaping along with the fencing along that edge of 123rd Street. I believe, that what you will hear this morning is that the residents, who are represented by an attorney, which represent a substantial number of the protesting owners in this area, have reached an agreement on private covenants with the owner of that property and are no longer protesting the zoning case. But you need to hear that for yourself. The Planning Commission voted by ten to zero, a unanimous vote, to recommend approval of the rezoning to SF-6, and then following that motion, they voted unanimously to recommend approval of the revised preliminary plat that you see in front of you this morning.

"We did have protest petitions. A fair amount of protest petitions representing over 90% of the area, surprisingly even undeveloped areas which we expect to develop in the future. But representing over 90% of the land area within 1,000 feet. This obviously, even with the withdrawal of some protests, probably means that there is over 20% protest and that means that it will require four votes of the County Commissioners to override the filed protest petitions and approve this request. I should also tell you that to override the Planning Commission's recommendation for approval this morning would require four votes of the County Commission to deny this request. So if you can't get four votes and do one or the other you may have to consider sending this case back.

"I do have slides of the area. Are you interested in seeing them briefly? Okay. This is Harry Street in the background and the trees along Spring Branch. This is the northern portion of the tract in question. This is a part of McEvoy Addition where 123rd Street doesn't extend. It is north of where 123rd Street bends into Osie. Again, this is the tract to the west and now we're looking straight west at the tract. You can see some drainage in there that would be expanded as part of that open space reserve. This is looking to the south and west across the tract. This is looking down 123rd Street, the large lots of McEvoy Addition are in this direction and in this direction is the tract in question. You can see Country Lane. Again, looking at the south and east at one of the lots in the McEvoy Addition. This is the bend from 123rd Street to Osie. Well treed, large lots. This is looking right at that intersection and the home that is on that lot. So this is just to the east, a little more than midway up from the south end. This is 123rd Street, so we're looking to the north. This is the subdivision would be over in this area and these are the homes that would be facing the new addition. This is looking from 123rd Street to the east at one of the other houses in the McEvoy Addition. Again looking from 123rd Street to the north and west and this is a lake that will be reconfigured and be used for retention.

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“One of the other things that happened during this process was the McEvoy residents had a consulting engineer hired to review the drainage plans that were being prepared by the consultants for this proposed development and I believe they certified or determined that the development from this site and the drainage plan would result in no increased runoff from the undeveloped conditions. That doesn't mean that it is going to solve existing drainage problems that may have existed for years out there in that area, but it is not going to increase any problems. The storm water will be held back by the system of detention to the pre-development at the current levels and will not increase runoff and increase problems in this area.

"This is looking at the south end of the site. This is looking at the lot down at Mount Vernon and 123rd Street. Again, looking up 123rd Street with the southern end of the site. This is a tree row and this is just south of the site, the undeveloped site to the south. Again, the undeveloped land south of this tract. This is looking from Harry across at Spring Branch and then north of Spring Branch some suburban homes. A nice little addition. There we are back to the aerial photograph and the zoning map. I'll try to answer any questions."

Chairman Schroeder said, “Okay, thank you, Marvin. Any questions for Marvin at this time? Commissioner Hancock.”

Commissioner Hancock said, “Marvin, 123rd Street is a half street right now?”

Mr. Krout said, “Well, it is 50 feet of right-of-way. The applicants are going to provide another 10 feet of right-of-way to make it 60 feet. But it is not going to be improved as it is approved by the Planning Commission in the preliminary plat, not be improved and not be used as access by this addition.”

Commissioner Hancock said, “Was it ever known why the bare ground, farm ground that is around this thing, why they were protesting?”

Mr. Krout said, “No, that is unusual and I don't know the reason.”

Commissioner Hancock said, “Thank you, Mr. Chairman.”

Chairman Schroeder said, “Thank you. At this time, this meeting and this item is not a public hearing, but if the developer would like to make some comments briefly. Is there anyone representing the developer who would like to come forward and make some brief comments?”

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Mr. Mark Savoy, Savoy Ruggles and Bohm, said, "I'm an agent for the developer. I think the facts as presented are pretty demonstrative of what we've gone through to try to please the neighborhood. I defer to any opposition or to the original opposition's attorney and would respond back if I need to. But I would really just be re-emphasizing what has taken place already."

Chairman Schroeder said, "Okay Mark. Commissioner Gwin do you have a question?"

Commissioner Gwin said, "Yes. Mr. Savoy, Mr. Krout mentioned an agreement that the applicant and the neighbors are going to enter into. Is it your understanding that those covenants are completed and are signed?"

Mr. Savoy said, "The developer's attorney is here. He has told me that the covenants have been signed. Both attorneys are here. Those are signed agreements between the two entities."

Commissioner Gwin said, "I wanted to make sure that that was completed. Thank you Mr. Chairman."

Chairman Schroeder said, "Thank you. Any other questions for Mr. Savoy? Thank you Mark, appreciate it. Tell me, how many people here today would like to comment on this item? There are three? Okay, we have three people who would like to comment, please come up and state your name and address for the record and you're limited to five minutes."

Mr. Bob Kaplan said, "I'm here on behalf of the McEvoy Addition. Let me see if I can sum up very quickly and perhaps it will assist in expediting this matter. My representation is of the McEvoy Addition residents, the opponents to the plan. However, McEvoy Addition as such does not have a formal homeowners' association. There is no chartered corporation, so my representation of necessity is of individuals and not of the homeowners association itself, since as an entity it does not exist. I took a little pole prior to the meeting and believe that I speak for everyone except the one couple and now I think another couple has since come in. So there may be two couples whom I do not represent. We have reached an accommodation with the developer. I have been handed a fully executed, notarized, ready for recordation private treaty, private covenants and I believe on behalf of all the folks here with the exception of the two couples who wish to address the Commission, I am authorized to speak. So we are in accommodation. I think we are ready to go with this matter. At least Mrs. Wayne, who I do represent, her comments are going to be directed to the overall drainage problem in the area with which she would like some assistance from County Engineering."

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“It is not to the Tara Falls matter specifically, but there are some down stream problems that I think Chairman Schroeder is already familiar with. So with that, I think that we are set on this matter. I don’t believe there is any more to be said except to hear from those several folks who may have comments in regard to their own individual situations.”

Chairman Schroeder said, “Bob, before you go away, Commissioner Winters has a question.”

Commissioner Winters said, “Mr. Kaplan, then for at least the folks that you have helped in this matter and represent, these covenants do answer their questions or their concerns?”

Mr. Kaplan said, “Yes, Commissioner. We worked over a number of months. We worked over several months on this. When I was initially retained in this matter, I reviewed it and unfortunately had to come to the same conclusions that Mr. Krout came to and so advised the neighborhood. I have got an excellent group of people here. I think this is a classic, a wonderful example of a neighborhood and a developer coming together in very good objective rationale discussion without the emotion. Yes, I believe that everyone is satisfied with the convenents with perhaps the exception of a couple of people here who held their hands up. That’s not to say that they are happy about it, that is to say that they probably recognize the inevitability of it and were happy to get the accommodations that we were able to work out.”

Commissioner Winters said, “All right, thanks for that clarification.”

Chairman Schroeder said, “Jeannie, I suppose you’re going to speak, but I’d like to preface Ms. Wayne’s comments. I know what she wants to address us about. It is the drainage issues in and around that area and I need to let all of you know and Ms. Wayne also that David Spears and I and Mr. Weber of David’s department talked yesterday with Rich Euson and Marvin Krout about numerous issues. One of them that we spent a lot of time on was the drainage problem. I wanted to reassure you that David and Jim will look at that whole area very closely to see what we could do from the County’s perspective to help improve getting that water away from the area as quickly as possible. I think we have a multitude of problems and we’ve got to start at the front and work all the way to the end and that I can tell you we will do. I just wanted to preface her comments with that and I appreciate you being here, Jeannie.”

Ms. Jeannie Wayne said, “My husband and I live at 1952 South 123rd in the McEvoy Addition, which is immediately east of the proposed Tara Falls development. After many meetings and working with the developer, the McEvoy residents feel the current plat of Tara Falls is a great improvement from the one originally proposed. But this brings the whole prospect of development in the area and the concerns we have for drainage in the area.

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“The problem we have now with drainage is fact that the Spring Branch of the Four Mile Creek near 127th East and Harry can’t handle the water adequately. After a severe rain, the Spring Branch becomes so full that the water from the tributary, which runs right in back of our house between 123rd Street and 125th Street in the McEvoy Addition, which flows into the Spring Branch doesn’t have any where to go. So consequently in the past few years we have a lake in the back yard. The tributary just becomes a lake back there. The problems are even worse for the residents who live along Harry Street near 127th. Any day now, after a hard rain, they are probably going to have it in their house. So another concern is a February 16 article in the Wichita Eagle about Seltzer School, which is currently located on 127th Street between Kellogg and Harry. It stated that over 1,400 new home lots are planned for the area. Well the addition of all this new development is going to further compound existing drainage problems. I think before the County Commission allows a development binge in this area they need to start addressing the current drainage problems before they get any worse. Thank you.”

Chairman Schroeder said, “Thank you, Ms. Wayne. I appreciate your comments. Next speaker.”

Ms. Marticia Meyer, said, “Good morning Commissioners. My property adjoins the proposed development area and my concern is a lot of the confusion over the covenants and the wording. We’re kind of also caught in our back lot that is connected, we’re not in the McEvoy Addition, we’re an exception to the McEvoy Addition and our front lot is in the McEvoy Addition. At this time, we’ve declined to go along with the covenants and it was also my understanding before the meeting that they were not signed yet. I’d really like to know for sure about that. Plus there has been a lot of confusion with the people that the covenant would be representing have not actually signed it either. It has kind of been a blanket thing. I think there are a lot of people in the neighborhood that don’t even know it is going on or know about it. I don’t know if that kind of thing would hold up in court, but back to our main concern again is the water. Everything is coming down, draining toward our property. They’ve talked about building a second lake and berming around that. That would be good. But they are also talking about channeling all the ground water into those two lakes from that whole 80 acres, which all of that would come down to a little narrow creek that we have. Even though we might have something put in to try to control that, I don’t think it is going to handle all the water and with going SF-6, we’re talking about a lot of pavement, a lot of concrete, roof tops, a lot less ground to soak up the water. The ground water that is coming down is going to be channeled our way. Possibly fixing the County’s part of it would help some but we’re also dealing with, unless they are going to make a river out of our back lot, it won’t handle that water coming through.

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“One idea was suggested about making a berm or channeling the water straight down our west side, which would be their east side and coming straight to Harry, which would be a little bit more construction work but that is a possibility. Then bringing the drainage to the ditch that would be running along Harry Street.

“We were also concerned with the McEvoy Addition about the fact that we were the ones that started all this and got all the people to sign the petitions and then a lot them don't truly know what is going on or that we've talked about a lot of changes and that is a concern that we feel that we would kind of leave them in the dark and they won't truly know what is going on. Also, Mitchell, the hydrologist, according to the letter that he sent Jeannie is that everything is still at risk. Nobody knows everything for sure until they've done aerial photography again and done a lot of this other water stuff to know just what the water problems are going to be. So really it is back to saying no one knows for sure what is going to happen when it rains and how much water is going to come down. So that was another reason we didn't feel like we could go with the covenants because nobody knows anything for sure. By signing the covenants or by agreeing with the covenants we would be relinquishing all rights that we might have in the future if we do get flooded. So that is a concern. On one hand we're kind of caught in the middle because one person says one thing and another person says another thing and then really nobody knows anything. So we're concerned about that. I also thought perhaps if they made a compromise, they are only about a thousand square feet anyway from going from SF-6. They talked about building 8,000 or 9,000 square foot lots so they are almost to SF-10 anyway, of going to SF-10 and trying to compromise. There are probably other things I'll think of when I sit down. Thank you.”

Chairman Schroeder said, “Thank you. I want to ask Jim Weber to come forward if you would Jim. Jim, there has been a lot of discussion about the drainage issue and I'm reading this letter from Mitch Mitchell, the individual that they hired. In the letter it says that neither I nor the engineer of Tara Falls know how the design discharge of 313 cubic feet per second will be effected by the size of the culvert at Harry Street. Can you Mr. Weber respond to that? Can you tell me a little bit about that?”

Mr. Jim Weber, Bureau of Public Services, said, “I think that my reading of Mr. Mitchell's comment is when we're doing drainage plans or reviewing drainage plans for subdivisions, they are localized. They are for particular area. I read that to say that we go down stream to some point and it is not restudied with this plat or maybe not with the next one and so we don't know, it is information we can get to, but we don't know with the standard subdivision what happens at the next culvert down, maybe. I think that is what he is talking about. There has been some concern expressed about the culverts under Harry Street. I know that is one of the things you were concerned about and wanted to have us take a look at.”

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Chairman Schroeder said, "I read this letter from Mr. Mitchell once before and for some reason this just jumped back out at me as his concern about that. So I wanted us to zero in on that if we could at the right time to discuss this. I think your comments are exactly on target. We've been concerned about the areas within the proposed development but we're not really getting the complete picture about what happens outside of the development and any others that drain into the same basin or the same creeks or streams. So we need to take a better look, a bigger picture of what we are doing. Okay, thank you, Jim. You may hang around as there may be some other questions. Commissioner Gwin."

Commissioner Gwin said, "Thank you. Mrs. Meyer, in the recent years I know there have been some pretty heavy rains out in the southeast part of your area and there always seems to be some pretty major flooding as the water gets closer to Four Mile Creek over in Butler County. Has your home been effected by those recent rains?"

Ms. Meyer said, "When we built our home, my brother built our home."

Commissioner Gwin said, "When was that?"

Ms. Meyer said, "It was 1974. He built it up higher than it was."

Commissioner Gwin said, "So far you've been okay?"

Ms. Meyer said, "The house has been okay. Now this last spring when it rained real hard, it came across our garden which is the back corner of the front lot and then I can't remember what year it was, but several years ago it did come up, our back lot is divided with a railroad tie wall and the water did come up to that wall and that has been the worst two times we've had."

Commissioner Gwin said, "Thanks. I just wanted to get a picture of that. Thank you Mr. Chairman."

Chairman Schroeder said, "Thank you. Commissioner Hancock."

Commissioner Hancock said, "Pretty much the same thing. Has the McEvoy Addition generally had water problems associated with rains?"

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Ms. Meyer said, "Our little back creek started out to not be but a couple of feet and through the years it has washed a little deeper. We do have problems because water can't get away down to 127th and Harry. Everything over there goes so full that it just doesn't let it flow into there. In that sense, like I say, we've had our garden under water twice and then it wouldn't grow anything again. But what happens is that the dam that is on the first lake, since the tornado it really hasn't been maintained and the water washed out around the end of that and they tried to put concrete, already broken pieces of concrete into that and tried to take care of the problem that way and it really wasn't maintained. So there is a little pipe coming from the center of that damn that is supposed to let out excess water about like that or something. But the rest of it is washed out around and because it hasn't been maintained it has made our creek bigger and that kind of stuff."

Commissioner Hancock said, "Thank you Mrs. Meyer."

Chairman Schroeder said, "Thank you. Any other questions? Thank you. Appreciate you being here. Next speaker please."

Ms. Patricia Brittain, said, "I live at the corner of 127th and Harry. Please bear with me, I forgot my glasses in the car, I'm borrowing a pair. I'm glad to hear that the County is addressing this drainage problem because I'm probably the most severely effected. You asked of the last few years about the flooding in the McEvoy Addition and Tish addressed that somewhat. But maybe I can also tell you a little bit about what happens. There are three ponds that come down from Mt. Vernon to my corner of Harry and 127th Street. When Spring Creek gets full, all the water from those three retaining ponds and creek bed drain into my corner, and there is a large culvert that goes across Harry Street at 127th. There was a culvert that went across 127th Street from my property. Right now it is plugged up and what happens is after 30 years of living there, I can tell you from experience, I don't have to be a hydrologist, but Spring Creek gets full and then nothing from the culverts on our side can go across until the rains stop. We have had flooding of 125th Street near the property of John Mash, right behind me. It floods at the corner of 125th and Osie and it floods his garage and his barn area. I have had flooding clear up lapping on my porch and coming into my garage. I've never been flooded out but if we had two days of hard rains I most certainly would be flooded out. It gets very scary sometimes when there is a foot deep of water for 50 feet in front of your house. Many times 127th and Harry have flooded, flooded to a foot or 18 inches, making it very dangerous for the cars going by. So we have had problems. I'd say most of these problems have been in the last ten or 15 years. I've been there for 30 years. We've made improvements to the pond, made it wider, deeper, improved the spillway. We've tried to take care of the corner. But I contribute part of that to the developments on east of us which also feed into Spring Creek."

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“To get back to my prepared statement and I may be repeating myself, before the County Commission approves the zone change for this development, I think you should take a very close look at the impact this addition will have on flooding problems which are a real threat to several homes on Harry. This area has been identified as a flood zone in the 100 year flood plan. My corner is a bottleneck for all the runoff from the west, southwest, and south and at the present time during heavy rains water rises in the corner flooding my driveway and coming up to my porch. The first house west on the north side of Harry floods also every time with heavy rains. That is of course right along Spring Creek. The culverts which are supposed to carry off water are not maintained adequately by the County and some of them are plugged up, filled with debris. If you will look at your map, you will see that these culverts going north under Harry from Spring Creek from the Meyer’s property, which will be the main release for the area for this new development and a culvert on my corner going across Harry to the north toward the creek and a culvert going south at the intersection going under 127th.

“I was going to call your attention to Mr. Mitchell’s letter concerning the size of these culverts but since Mr. Weber addressed that I won’t go on further with that.

“Just this past summer was one of the worst. It also impacted our two homes on the north side of Harry and also two homes on down east of 127th Street on the north side of Harry. I am never endangered by my pond flooding but too much water backs up in the corner and back floods over my damn in the reverse direction from the east. If I increase the height of the damn, then 127th and Harry will surely flood. Any additional run off created by roads and driveways in this new area will increase the problems. If all the drainage for the addition is directed toward the culvert on the Meyer property it will increase the water coming down the ditch on the south side of 127th and will increase the amount of water draining in the Creek on the north side. If water is directed to flow down Osie, more water will end up in this corner from the natural creek and series of ponds between 123rd and 125th, which will ultimately end up in my corner. Planning a drainage system for this area is not enough. You must look at the potential impact of this water problem on the rest of us. This is a problem that I feel is a responsibility of the County to try to correct with or without the new development. Too often for the sake of growth, developments have been approved without considering the drainage problems already existing. All a person has to do is drive around Wichita during many of the heavy rains and see that this hasn’t been addressed properly.

“Adding the number of homes that could be built in this addition under R-20 would affect the drainage situation seriously. But with increasing the number of homes to R-6 will make the flood problems critical. I really don’t want to make the 100 year flood plans statistically correct and anything being done that will effect it I oppose. Otherwise, I think the County Commissioner owes us some kind of guarantee that you will take responsibility for this problem. Thank you very much.”

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Chairman Schroeder said, "Commissioner Gwin has a question or comment."

Commissioner Gwin said, "I just need clarification. You said you lived at 127th and Harry. Can you tell me which corner?"

Ms. Brittain said, "The southwest corner. There are no houses on any of the other three corners."

Commissioner Gwin said, "I the south side of that street pretty low?"

Ms. Brittain said, "Yes. Very low. Below my damn is probably a 20 foot drop off. It gets completely full and backs up over my dam the reverse way and into my driveway."

Commissioner Gwin said, "Then as I recall, as long as I can remember, those properties on Eastland that sit kind of up the hill a little bit have not been impacted but there are a couple of homes on the north side of Harry where that creek comes through and I've seen it awful close to them."

Ms. Brittain said, "The one house floods every year. The comment was made to me once, well you wouldn't be allowed to build your house where it is. Well, my house has been there since 1955 and I don't know this for a fact, but it is my understanding that the State helped Mr. Krohn build the pond partly for retention of water and flood control. So the pond that is on my property was at one time built for that purpose."

Commissioner Gwin said, "We've spent some of the federal emergency management monies over the last year or so buying out properties that were built maybe where they shouldn't have been built and trying to rectify some of those problems. So sometimes our mistakes of the past, we certainly don't want to repeat. But I appreciate your comments."

Ms. Meyer said, "One other comment too, the bridge improvement across Spring Creek at 127th helped maybe somewhat with getting rid of the water once the rains stop. The problem is when the rains continue. It does drain off fast after the rains stop."

Commissioner Gwin said, "Thank you. Thank you Mr. Chairman."

Chairman Schroeder said, "Thank you. I think that takes care of all the speakers if I'm not mistaken of the hands that I saw. So at this time, I would like Mr. Kaplan first to come up and explain the agreement if you will that you have with the developer."

Commissioner Miller left at 9:25 a.m.

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Mr. Kaplan said, "We have reached an accommodation on all issues between the neighborhood and the developer in regard to Tara Falls subdivision. We are leaving down stream water problems to you. We did not deal with the down stream problems. When I recommended Mr. Mitchell, I did not feel that the down stream problems were necessarily the responsibility of this developer. They are certainly real and they need to be addressed. As far as the Tara Falls addition, we arranged for fencing on 123rd Street. We arranged for landscaping on 123rd Street. We turned all of the lots so that none of the houses face into 123rd Street. We eliminated the opening from Andrea Street to 123rd Street and made that, with the approval of the public safety, made that an emergency opening only gated and available only to public safety which prevents vehicular traffic on 123rd Street, which is not standard anyway. We've come very close to the SF-10 zoning in that the Dwelling Unity Density, even though it is SF-6 is not much greater than it would be if it were SF-10. I didn't think the labeling was as important as the number of dwelling units that actually went into the addition. We provided that the fencing would be in place before any construction was to commence on a very large area of the addition so before there is any ground broken for homes there will be fencing. There will be fencing in place. We provided time limits for screening. We provided for some additional review by the neighborhood of the aesthetics of the gating and the screening and a number of other minor items. I think all in all Commissioner, I believe it was a fair resolution. I think most of my folks agree with me. They prefer to have an open field there but they recognize the inevitability of development in the County."

Chairman Schroeder said, "Okay, thank you, Bob. Mark, would you like to come up?"

Mr. Savoy said, "If you do have any questions in regards to drainage, our hydrologist is here if you happen to want to talk to him. I just want to point out, you're talking about a couple of different drainage basins. We have a drainage basin coming through Tara Falls. There is a drainage basin coming through McEvoy. Both of these do contribute to Spring Creek. I want to reemphasize that the water leaving Tara Falls property will not leave at any greater rate, in other words, we are not creating additional drainage problems. No, we are not solving the existing problem. This is a little bit complicated and I just want to mention this. It is a zoning question and we've got a lot of subdivision questions which really doesn't answer some of the appropriateness of how this ground should be zoned. We have gone and we've spent an awful lot of time working with neighbors and I think you can probably see that. I've enjoyed working with them. I sometimes think I am an honorary member of McEvoy and then sometimes I don't think I am. They've been real good to work with. We do understand their concerns. Drainage is magical and mystical. I certainly don't profess to understand all there is to say about it but I do tend to believe everybody when they agree that we can buy the retention ponds, maintain the drainage at no greater rate than the undeveloped state. So even all the streets, rooftops, and all of that, they are being taken into consideration in that plan."

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“If you have further questions, also the attorney for the developer is here. The hydrologist is here. I just want to say one other thing. Mr. Krout inferred that the preliminary plat had been approved but also the final plat has been approved at MAPC also.”

Chairman Schroeder said, “Very good. Thank you, Mark. I appreciate it. Commissioner Hancock.”

Commissioner Hancock said, “That brings up a question. You said the final plat was approved by Metropolitan Planning?”

Mr. Savoy said, “Yes, subject to zoning.”

Commissioner Hancock said, “In that engineering design are there back drains in those lots to drain walk out or view out basements?”

Mr. Savoy said, “Some lots will be able to have a view out and walk out on them and some will not. They are designed so that those entities will be high enough that there will be no drainage problem coming from our stored water elevation back into those properties. They will be protected by minimum pad elevations.”

Commissioner Hancock said, “I was just curious. I’ve run into situations where in the back yards stood underground drains with grates and I was just curious if there were plans for any of these in this area?”

Mr. Savoy said, “Some portions of the subdivision have rear yard storm drain system, some do not. Some do not have the capability of having a walk out or view out type structures.”

Commissioner Hancock said, “I’ll warn you in advance, I won’t sign that if it has back yard grates and drains. They are a mess. There is no guarantee that they will stay open and work. I’ve seen them fail before the subdivision is even finished. They end up grading those back yards at 2% to 3% to those grates and that is not enough. So take a look at the plat because maybe the other four will but I sure won’t.”

Mr. Savoy said, “We’ll sure look at it for you.”

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Chairman Schroeder said, "Thank you. Appreciate that. Marvin, do you have anything that you would like to add in summation? Mr. Euson, anything you would like to add to this? Okay. Before we consider a motion, I first want to thank the neighbors and the developer for getting together. When I first heard from Mrs. Wayne weeks ago, I think she and I probably agreed then that this was going to be a matter of working out details and issues with the developer and Jeannie I want to thank you for doing just that. Getting the neighbors together and working with the developer. I think probably all of you have told me that you realized in time that area would develop, but to what density I think was the big question. We obviously now know that. We put in Four Mile Creek years ago with the intent of developing the area and obviously the best development for a developer is to have as high a density as possible as they can get within reason. I think what I've seen here is the attempt of both the neighbors and developer to control some of the issues which I think you have done well and I know not everybody is going to be happy with this. I know some of you are still upset by the very fact that anything would be put in over there. I guess if I lived over there and had the view that I know a lot of you have, I'd hate to see it go away too. It is a beautiful area and after the storm of 1991, some of you have built back some absolutely gorgeous homes. I commend you for making your neighborhood so nice. But we're at a point now that we've got to decide whether to go on or whether we stop and then deal with each one of these potential developments as they come along. But again I think you have done the right thing by working with the developer because I don't know if there is a perfect answer to any of this other than it is a process of communication and an agreement. I appreciate the two attorneys working with one another too in the process. Again, thanks to all of you. Commissioners, any further comments or questions about this item?"

Commissioner Gwin said, "The only question is that with the protest number and the Metropolitan Area Planning Commission approval, Mr. Krout said Mr. Euson that it took four of us to override the protest. Does that mean four whether there are four on the bench or?"

Mr. Euson said, "Four votes period."

Commissioner Gwin said, "Regardless of how many of us are here. Okay."

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MOTION

Commissioner Gwin moved to adopt the findings of fact of the Metropolitan Area Planning Commission (MAPC) and approve the zone change subject to the condition of platting; adopt a Resolution and authorize the Chairman to sign; and instruct the MAPD to withhold publication until the plat has been recorded with the Register of Deeds.

Commissioner Winters seconded the Motion.

Chairman Schroeder said, "Discussion?"

Commissioner Hancock said, "Mr. Chairman, just one thing. Probably the County needs to have a look at the intersection of 123rd and Harry and see if there are some improvements we can make during the course of construction of the development in this area."

Chairman Schroeder said, "I appreciate you talking about that. We are planning to do that. David has heard me many times and it is etched in the back of his eyelids that he needs to work on this problem and during that process. It is a very good point."

Commissioner Hancock said, "We'll certainly do what we can do. I want to be supportive of anything you need to do out there. If there is anyone who has been burdened or bothered by drainage, floods, and water, it is me. I don't wish to have anyone else go through what we've been going through in my area. I sure appreciate you having a look at that and making some changes."

Chairman Schroeder said, "I appreciate your support. Thank you. Other questions or comments? If not, Clerk call the vote."

VOTE

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|--------------------------------|--------|
| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Absent |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, "Thank you. Folks, thank you again for being here today. I appreciate all the work on both sides. Thank you. At this time I think we'll take about a five minute break."

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The Board of Sedgwick County Commissioners recessed at 10:07 a.m. and returned at 10:25 a.m.

Chairman Schroeder said, "I'll call the meeting back to order. Next item please."

- 3. CASE NUMBER SCZ-0760 - ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "GC" GENERAL COMMERCIAL ON PROPERTY LOCATED ONE-HALF MILE SOUTH OF 55TH STREET SOUTH, WEST OF HYDRAULIC (5803 SOUTH HYDRAULIC).**

Mr. Krout said, "Planning item Number 3. This is on South Hydraulic, if I could have the first slide.

SLIDE PRESENTATION

"It is midway between 55th Street South and 63rd Street. This is the Riverside drainage ditch. This is the tract in question and it is a one acre. It is requested for General Commercial zoning. You can see the general pattern of zoning including this tract as SF-20 that there are some spots, there is a spot not developed, a Limited Commercial to the south and there are some areas that are actually zoned Light Industrial on the other side of the drainage ditch. There is a suburban subdivision here and there is some development here, scattered and vacant land basically in this general area.

"The request is for General Commercial for one acre. The prospective property owner is actually buying three acres so the whole track looks about like this. He is planning to build his house on the south and the house and land is then going to buffer the neighbors to the south and the potential for development to the west, so he is buffering the General Commercial with his own land and is planning to build a residence. The purpose of the General Commercial is to enable him to build a building and use it to park trucks that are part of his trucking business along with personal vehicles on that site. Because parking commercial vehicles or while working on them requires commercial zoning, that his reason for the request. The owner was willing to restrict through a protective overlay because it is a spot near residential areas so that it wouldn't be just General Commercial with all kinds of commercial and outside uses, to only what we call construction service, which would fit the definition that would fit what he is planning to do. The parking would be in the building and the staff had also recommended sign limitations because you can otherwise have billboards and large flashing signs and whatever in a General Commercial zone. We recommended a 32 square foot sign only, which was fine with the applicant.

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"In fact, at the Planning Commission hearing, and there was no one objecting to this case at the Planning Commission hearing, there was a question asked to the applicant as to whether or not he really needed a sign and he said no, I'm just planning to park my trucks here and that is why I need the zoning. So the motion, and in that I'm sorry it was not correctly reflected in your Planning Commission Minutes, but the motion was approved and the vote was nine to two, was to approve this with a Protective Overlay Limiting the use to residential or to this indoor commercial storage vehicles. And also not to have any signage on the property, on the General Commercial property, any business signage. That was the Planning Commission's vote. It was nine to two. One opposed this on the principle that this was spot zoning and didn't belong in what was generally a residential area. The other person who voted no, didn't believe there should be any sign restrictions on the property once you zone it for General Commercial.

"As I said, there was no opposition. It was approved subject to platting. The staff originally had some concern when we saw the fairly small frontage, about two access points, but it does make sense now looking at it more carefully since it is going to be a residence and a commercial property, and it does make sense and I'll show you the site plan, to have the two access point. So when you he plats, we're not going to make an issue out of that.

"This is the area in question. You see there are scattered homes in this area, suburban development here, and to the southwest of the ditch, and this is the property in question for General Commercial. This is the site plan, I'm sorry you can't see it better. But this is where the house would be. This is what would be a U shaped drive with two access points. This would be still residential and used by the owner as a buffer for his commercial property to the south and west and this is a relatively small building that would be used for the storage of the trucks as well with his own personal vehicles. This is the site we're looking at, the drainage ditch is in the background. This is looking north on Hydraulic. This is looking at the site again. This is a hedge row between the homes that are on the south side and his perspective property where he would build his home. Again, looking at that hedge row separating the residence to the south. Looking south on Hydraulic and this is south of the property in question. This is across the street and a little bit to the south on the east side of Hydraulic. There is a home, wooded site, and a little bit further to the north on Hydraulic another home. This is looking up Hydraulic and this is the northern home that you saw earlier. Back to the aerial photograph. These are the homes that you just saw from the street, the hedge row to the south and the zoning map. I'll stop there unless you have any questions. "

Chairman Schroeder said, "Thank you, Marvin. Questions at this time for Mr. Krout? Commissioner Hancock. "

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Commissioner Hancock said, "Marvin, with this plan, you say this is three acres that he plans to use for the home? I don't know how many acres that he bought there. "

Mr. Krout said, "He is just buying . . . originally, he was talking about buying more acreage but he only bought three acres. There was some question as to whether or not he would be able to get approval for a septic tank and he believes he has made contact with the Health Department, and he has an informal OK to proceed on that basis."

Commissioner Hancock said, "So he will be able to get a permit to build a house there?"

Mr. Krout said, "He believes so."

Commissioner Hancock said, "Don't say I believe so, yes or no."

Mr. Krout said, "I haven't seen anything in writing from the Health Department."

Commissioner Hancock said, "Assuming it percolates he will be able to get a permit."

Mr. Krout said, "Assuming it percolates."

Commissioner Hancock said, "The only reason I questioned that, he contacted me and had been initially informed that he couldn't after it all started. I wanted to confirm that in public."

Mr. Krout said, "He indicated that he had contacted the Health Department and they believe this site will percolate and will be able to get a permit if it percs."

Commissioner Hancock said, "That's dust bowl city down there. Thank you, Marvin. We're on the record now."

Chairman Schroeder said, "Thank you, Commissioner. Any other questions of Marvin? I don't know if there is anybody here in the audience today who would like to speak to this item, but if there is, please come forward. We'd be glad to hear from you today. I guess there is no one out there so Commissioners, further discussion?"

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MOTION

Commissioner Hancock moved to adopt the findings of fact of the MAPC and approve the zone change subject to the additional provisions of a Protective Overlay district and subject to platting within one year; adopt a Resolution and authorize the Chairman to sign; and instruct the MAPD to withhold publication until all conditions have been complied with.

Commissioner Winters seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

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| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Absent |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, "Thank you. Next item."

- 4. CASE NUMBER DP-231 - APPROVAL OF THE COPPER GATE COMMERCIAL COMMUNITY UNIT PLAN (CUP);**

AND

CASE NUMBER SCZ-0761 - ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL, ON PROPERTY LOCATED AT THE NORTHWEST AND SOUTHWEST CORNERS OF 13TH STREET NORTH AND 135TH STREET WEST.

SLIDE PRESENTATION

Mr. Krout said, "Well, now we're out in the fast growing west side of the County, west of Wichita. As you can see, the Wichita city limits are a quarter of a mile away. This is the Hickory Creek, one of the newest additions out there. This request concerns the northwest corner and the southwest corner and their request is for 12 acres on each of those two corners for the Limited Commercial zoning. The property is zoned SF-20, all the flesh colored area is still SF-20 in the County today.

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"The request for Limited Commercial is accompanied by a Community Unit Plan (CUP) that covers both of these tracts of land that set standards for usage and access and road improvements and signage, and landscaping and building's design that are similar to most of the CUP that do for the most part track with what has been called the far west Wichita policy, which I will go into in a second.

"Generally this area as you will see in the aerial photographs, is agricultural. There are scattered homes in the vicinity. There was a homeowner to the west of this area that did appear in opposition to commercialization at the Planning Commission meeting, but that was the only opposition to this case. You may recall, about two years ago, that the Wichita City Council and the County Commission did ask for a study of this area. It was in response to neighbors who lived out in this area who were talking about a Commercial Free zone and a different way of looking at the development out there. We did do a lot of analysis and we had neighborhood workshops with property owners and developers and residents out in that area and we did develop a set of policies that were called the far west policies for commercial development. It did not recommend a Commercial Free zone but it did recommend more standards that had to do with the scale and the character of the commercial development to try to create a little bit more of a planned environment and a little more predictability for people to have a feeling about what they might see in terms of commercial development out there in the future, if they are out there ahead of that commercial development, developing and buying residential property. That policy was adopted by the City Council. It was not officially adopted by the Planning Commission or the County Commission. I will say the Planning Commission has used it and measured developments against that policy, and they did in this particular case also. With some minor modifications, as they deemed appropriate on a case by case basis which I think is the thing you should do with any policy.

"Even though this is in the County, we thought it was appropriate to measure this development against that standard because it is a quarter of a mile from the city limits. Which are rapidly expanding and this property will have to use water and sewer and probably will come into the city before it ever does develop.

"In this case, that applicant's agent and the staff agreed on almost everything with regard to applying that policy to these tracks with a few exceptions. I'll go into them briefly. One has to do with access points. Although the applicant's agent and I would agree that that's an issue that is really resolvable.

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"If we would agree with the number of access points that he proposed at the Planning Commission meeting, if you decide that you want to approve 12 acres on each of these parcels. I think it is still a reasonable plan and it would allow for three access points on each of the 135th Street frontage, two access points on each side of 13th Street and we think that is reasonable. I think it was only one more access point than what we had an originally recommended, but certainly is an acceptable situation.

"While we saw the number of access points really being tied to the acreage of development, that gets to the other two issues. One was the acreage. We recommended that rather than 24 acres of zoning, we recommended a total of 19 acres, that five acres be subtracted. In whatever way the applicant wanted to, with it equally from both tracts or all from one or some combination. But what we wanted to do was try to reserve some commercial zoning acreage for one or both of the two corners. That far west policy, in order to try to create some kind of predictability about the scale of commercial at any intersection, had a policy for 24 acres of commercial development at any single intersection, and no more than 12 acres at a corner. So he is meeting the 12 acres at a corner but taking up the entire 24 acres and as you will see in the slides, this area is an electrical sub station. So it is unlikely that you will get residential development on the corner. So we wanted to try to reserve some development to buffer any residential around the electrical substation and anticipate that someone will want to do something on that area too. So within the guidelines of the 24 acres, that was the reason for shaving down the development from 24 to 19 acres.

"The second issue has to do with building size. The general thrust of that policy was that rather than say that a Home Depot could happen at any intersection in town basically, that we would try to, that the perimeter of this far west area, and mostly Kellogg and 21st Street is where you would encourage the big box retail type developments to go. That doesn't mean that they might not have it at other intersections, but that would be the general principle and that is where you would try to encourage developers to look for the more substantial scale commercial development and that these types of intersections would be more neighborhood serving commercial. They would be neighborhood shopping centers, that could be anchored typically buy grocery stores or drug stores which are substantial in size but are neighborhood serving. They don't draw on regional traffic, they serve people who are generally within a mile or two or three of the use. So that was the general idea and a 12 acre tract is big enough to have a neighborhood shopping center. The limitation that was recommended in the policy was that except for supermarkets and drug stores, that other uses should generally be smaller in scale and the guideline was 8,000 square feet. Eight thousand was maybe kind of arbitrary, there are probably other uses that might be larger that might work but that was the general idea and if someone wanted to do something outside of that, someone wanted to put in a Dillard's department store down there then you would look at that on a case by case basis. It may be perfectly okay but you would look at it on a case by case basis. That was the general idea.

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"So those were the two issues. Should you reduce the acreage from 24 to 19 and should we have a limitation on scale without individual review except for groceries and drug stores which is a typical neighborhood shopping center anchor. The Planning Commission considered it in a lot of depth and their vote, which I must say surprised me a little bit, was nine to one to recommend approval. They went to a reduction to 20 acres rather than 19 acres but they recommended reducing it by four acres to leave a reserve for the other two corners. They did recommend at this time, because of the very speculative nature of the development at this point, that the scale of businesses should be limited in accordance with that policy of the far west Wichita study. So that was the Planning Commission's recommendation. I would say that it would take four votes to approve the changes that the applicant is still requesting. I think access is really not an issue. If he has to reduce the acreage then he maybe needs a couple of weeks to decide how to reduce it and come back with a plan to show how it would be reduced and where the access point would be. He is contesting both the acreage reduction and the business scale guideline that was recommended.

"This is the aerial photograph. This is the Hickory Creek Addition, a suburban addition, a half mile or more away. Established urban developments. I will say that probably until the City of Wichita does something about expanding sewer capacity in this area, and they are expected to deal with that issue shortly, this site probably can't be developed. But I think the owner is out here trying to anticipate the development which we do expect and trying to establish the zoning ahead of the roof tops.

"This would be a north direction so this is 13th Street looking west. You can see the typical arrangements (garbled) and larger parcels. This is looking down 135th Street, which is a sand street today. There is not much to see really in these slides, but you can see the powerline which crosses east west and then north and south and comes together at the electrical substation which I'll show you in a minute. This is 13th Street West. Come back to these slides in a few years and see what they look like, see if it looks anything like that area.

Commissioner Miller returned at 10:43 a.m.

"This is looking to the north and the west of the site in question. Looking up 13th Street. This is a home who didn't protest but they would be on the north end where that northwest corner of commercial is here. This is the northwest corner that you would see developing for some kind of commercial use. Again, that same corner. This is looking to the east down 13th Street, still sand. The northeast corner. This is the southeast corner and I think on the next slide you can see that southeast corner does have the power substation right on the corner right at that location. Back to the zoning map and I'll try to answer any questions."

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Chairman Schroeder said, "Thank you, Marvin. Commissioner Hancock."

Commissioner Hancock said, "Marvin, just so I got this straight. The applicant wants 24 acres on each side?"

Mr. Krout said, "No, 12 on each side."

Commissioner Hancock said, "And the staff recommended 19 and the Planning Commission went for 20."

Mr. Krout said, "Twenty is still fine with us. I was surprised to hear 20 so I went for it."

Commissioner Hancock said, "And they recommended three entrances or drives on each side of 13th?"

Mr. Krout said, "Three drives on each frontage of 135th, three here, and two each on this 13th Street frontage which is how wide is that frontage? Five hundred feet."

Commissioner Hancock said, "And the applicant disagrees with that too?"

Mr. Krout said, "No, we're in agreement on that. We originally recommended I think two on one of these and three on the other because of the parcels we thought we could get some joint access but we're in agreement on that. We're just saying the access needs another look if you decide to shave off 200 feet here and 200 feet here or you decide to shave off 500 feet here. The whole configuration of the parcels needs to be looked at again."

Commissioner Hancock said, "So why the limitation on acreage? We're talking about four acres in one way and five the other, what's the deal anyway? I don't understand the logic behind that."

Mr. Krout said, "Well, 24 acres was kind of a stab in the dark. There was a lot of discussion and Commissioner Winters may have been involved in some of those discussions toward the end of the development of that policy but the idea is that these intersections would generally try to be sufficient to have neighborhood shopping facilities without becoming regional shopping corners. So a 12 acre parcel, typically a Dillon's store today will take 7 to 8 acres. So a 12 acre parcel is enough for a Dillon's store and several other sites."

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“That was the idea to allow at any intersection enough development for let’s say two supermarket competitors to compete with each other at the same location or two other large stores, a drug store on one corner and a supermarket on the other corner anchoring a larger center. But when you start to multiply that, 12 times 4 is 48 acres at an intersection, you begin to have problems with the break down at that intersection, with congestion problems with whether or not the typical standard road improvements really can handle the traffic. Generally, in the Comprehensive Plan, the idea was to try to identify those regional scale locations. For that reason we for instance identified 21st and Maize Road as a good location for regional scale retail uses and the County Commission rezoned 63 acres for that and we anticipate that there will be a major development at that corner. K-96 and Kellogg is another location, the Dugan area and generally along Kellogg, anywhere along the Kellogg frontage if we do Kellogg right with good access controls as appropriate for major commercial development. So the idea was to . . . the question here is really, should a Walmart or a Home Depot allowed to be free floating or should we attempt to encourage those people to find more regional locations and create an area for residents moving in to better understand that the scale as well as the character with some special design controls in this area are going to be more like planned development.

“Back when we had these workshops, we had a number of people who came who had moved in from other communities and they were complaining about the growth in Wichita being fairly hap hazard. I think what they were coming from were larger suburban areas where you had large developers who did master plans for 600, 1,200, or 2,400 acres at a time who planned and identified where the commercial was going to be and where the residential was going to be. We don’t have too many Comotara style, back in the 70s. We don’t have too many large scale developments like that here and the attempt here was to say can we try to create that kind of desirable environment because most people agreed that is a desirable environment. How do you do it? You do it by trying to do a little fine tuning with the scale and character of development. That was the idea. Just like right now, in the Comotara area we are arguing about this Home Depot going in on Woodlawn. The original plan for Comotara was to concentrate commercial development on Rock Road not on Woodlawn. I’m not saying those homeowners are right or wrong, in fact we’re supporting the Home Depot case but I think you always have to be open to reviewing things again, especially after 15 or 20 years. But I think that master plan for Comotara had something to it in the concentration of a major commercial center around the Rock Road and K-96 interchange makes a lot of sense.”

Commissioner Hancock said, “Okay. Thank you, Mr. Chairman.”

Chairman Schroeder said, “Thank you. Other questions or comments? This is not a public hearing today but if there is anybody here who would like to speak to this item, please come forward. State your name and address and you’re limited to five minutes.”

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Mr. Harry Smyth, Baughman Company, said, "I'm here on behalf of the applicant. The fact that Marvin and I have gotten down to only two issues tells you that I spent a lot of time in the Planning Department and hopefully I'll get a free parking permit out of Marvin when I'm up there. We are down to really what I think are two minor issues. Some of them you may say are just issues of principle. We are truly out in front of residential development. It is ½ mile to our east and within a number of years when the sewer issue gets resolved out there, it will definitely be out there. My concern and maybe I'm getting a little overly sensitive the older I get, is that when I come to the Planning Commission or the County or the City Council Chambers on a weekly, if not a monthly basis asking for revisions and amendments to the CUPs, the homeowners have to come back out again. I get paid to do this, not enough quite frankly, but I get paid to do this. The homeowners don't. They have to try to get educated in the whole process. I think when you see a lot of changes occur all the time, and I think that is just the nature of the business, it gets frustrating to the neighbors to have to come out time and time again. My concern on this is really two issues. One is the square footage requirement of 8,000 square feet. That is roughly a 90 by 90 building. Marvin mentioned Home Depot and those are the bigger users that probably should be on some of the major arterial. I look at stuff like bookstores, Barnes and Nobles, furniture stores, some that I don't really think are regional draws but are more of a neighborhood, somewhere in between those two. No, this will not be a Towne East or a Towne West, somewhere in between. Really from my stand point, 8,000 square feet is a little small for just a grocery store or a drug store. I think there are other users and I would hate to have to come back five years from now and if I am surrounded by neighbors at that point in time, to have great discussions about whether Barnes and Nobles bookstore is compatible in that area because it is over the requirements. It may be at that point in time a slam dunk when it comes up. But again, it is the process of coming back and amending CUPs time and time again. I think from an overall development standpoint, it frustrates the homeowners. Whether it is a reasonable request, you find out when you file it.

"I guess what I'm trying to do is build in what I think are very reasonable requests up front. We've given up a number of uses which I find quite obnoxious. So I guess I'm trying to billow what I think are reasonable uses now and not have to come back again and again and again and make the homeowners come out there when they are out there to either agree with me or oppose me. That is on the issue of 8,000 square feet.

"The other issue is on the 12 acres. We've got a major transmission line that parallels the west side of the north parcel and it cuts along the north side of the south parcel. We're trying to attempt to utilize the transmission line here as a buffer. I think it is a KGE transmission line easement that is out there. There are parts of that ground really that we cannot use effectively from a commercial standpoint and quite frankly from a residential standpoint. I've worked a lot with major utility companies out in California and Arizona and I get nervous if I park my car underneath those things.

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"I guess I'm saying I think we've got some acres of ground that are out there that really are not very usable. We're rezoning that as part of our request. It may amount to a couple of acres. I'm saying I guess I'm taking into some consideration that we've got those issues out there that it doesn't make it a very usable piece of ground. I could cut 50 foot off the north parcel and probably gotten down to a smaller acreage requirement if we didn't have that transmission line in our request.

"The other issues I guess and Marvin has done a very good job in elaborating on it, it is the issue of how many acres on each corner. We are asking for 12 acres on both corners. The electrical substation on the southeast corner, it is approximately 5 acres. It is not a small little KGE, let's plant some shrubs around it, it is a transmission line substation, so it is quite large. I don't know how you would wrap commercial around that thing and be effective. It is a problem. I don't have the answer of how you effectively buffer that, other than a lot of trees and some more open space. So in my humble opinion discounting the southeast corner because of that substation. The northeast corner, that individual has not really shown up or expressed any concern that he wants some acres there. Does that mean maybe two years from now I may be up here asking for four acres, that's just the nature of the development business. I don't believe he has a concern today. There have been no protests that I'm aware of and nobody has contacted me. That's kind of why we're asking for the 12 acres to remain where it is. Really what I'm doing is asking for your consideration and input into those two issues. All the other issues have been solved and the access points will be easily solved when we go to platting. I'll answer any questions that you might have or any owners questions if there are owners in the audience."

Chairman Schroeder said, "Okay, thank you, Terry. Questions? Commissioner Gwin."

Commissioner Gwin said, "Thank you, Mr. Chairman. Terry, I want to get back to that acreage issue. The City adopted a west side development plan or whatever it said and did that limit commercial development to 24 acres at that specific intersection? Is that one of the pretenses of that?"

Mr. Smyth said, "I'd defer to Marvin on that. I do know that they limit 12 acres at the most. I think it is 24 on all four corners. But if it does go to two corners, it should only be 12 acres at the most. In other words, I don't think I can go to the northwest corner and try to put all 24 acres, 12 acres max."

Commissioner Gwin said, "Okay. The County did not adopt that kind of plan. I guess my question is if I would agree with you and the applicant that you ought to be able to have 12 acres on the north side of 13th and 12 acres on the south side of 13th, if you followed the City plan would that prevent the northeast corner from developing as Light Commercial Use?"

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Mr. Smyth said, "I don't believe it would prevent it. Somebody would have to make a case that the west side policy, there has got to be a good reason why you are going to break that recommendation that the City Council put together. There was a case recently down on Maple in which that policy really was extended a little bigger than what was discussed. I think what you've got to look at is a case by case basis. If you come up and quite frankly if the northeast corner comes up with a very very good use and you get to that stage, I think that is a good reason to look at the policy to see if there is a good reason to break it."

Commissioner Gwin said, "Is it your belief that developments like this should be market driven or on a first come first serve basis as you are kind of talking about. You've kind of implied that we're here and we're asking for this, no one else out there is asking for this acreage and since we're the first ones to ask then maybe we should be given the privilege of the right answer?"

Mr. Smyth said, "Yes, that's true."

Commissioner Gwin said, "I'm not saying that I disagree with you, but that's kind of my sense of it that you all are trying to beat the crowd out there and by that I mean the residences and have a plan and an idea in mind so I am thinking, well okay if we're going to consider your question then we probably had better consider it because there is a developer who is ready, willing, and able to do something with these pieces of land and no one else has stepped forward to challenge your utilization of that zoning that is available to you."

Mr. Smyth said, "For me, I use an example out east at Bradley Fair. When it first started it was a very small high upscale strip center. Because of the market driven conditions it has gotten bigger. I think it has been handled very very well. Some of that is the economy of the scale. There were some users when it first started, I remember when I developed a Phillips on the corner that was a pretty big deal. It just got bigger and that developer has been able to attract some very very good users and some that are going to be over that 8,000 square feet."

Commissioner Gwin said, "Okay. You talked about the building size issue and the 8,000 square feet, a 90 by 90 kind of building. Then you talked about Barnes and Noble or those kinds of bookstores, how big are they typically?"

Mr. Smyth said, "I'm going to speak in generalities. I'll say that they are over that distance. The bookstores you see now have a little cappuccino bars and sometimes they even have a little entertainment, like a folk singer coming in. The market is changing so fast in all the conditions. Five years ago Dillons wouldn't even consider putting in a drive through deli window, but you see them now."

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“Fifteen years ago I would have told you that if you said convenience stores are going to be a wave of the future and you’re going to pay \$2.00 for a loaf of bread, I would have said you were crazy. But we all do it. Convenience stores, you notice that they’ve gotten bigger and provide a little more services and everything else. So things are changing. I’m trying to build in enough options to allow those changes to happen without further frustrating homeowners five years from now to come back and do some other modifications for a bookstore. I don’t want to use the word Home Depot because . . .”

Commissioner Gwin said, “I don’t either because that’s inflammatory and just lights the night sky so I’d rather talk about something that hasn’t been in the papers.”

Mr. Smyth said, “In this case, there are architectural controls and all the other things that were agreed to. If a larger user would want to come in there, they would have a very aesthetically controlled building.”

Commissioner Gwin said, “I would certainly agree with that. Thank you, Mr. Chairman.”

Chairman Schroeder said, “Thank you. Commissioner Miller.”

Commissioner Miller said, “Thank you, Mr. Chairman. I do have a question of Marvin and I will probably have a question for you also. Marvin, a quick question and probably I need the over view before I ask the question understanding that I did step in coming back from somewhere that I needed to go off to. I need to get your overview once again. When I came in you were talking about reducing down and that is included with the motion of the acreage from the 24, did I hear you say it had gone to 20 or what was I hearing?”

Mr. Krout said, “The Planning Commission’s recommendation was to reduce it overall to 20.”

Commissioner Miller said, “Okay, I needed to be able to clarify that. Could you just give me a brief overview of the findings again?”

Mr. Krout said, “You mean the rationale for cutting the acreage down and the business size down?”

Commissioner Miller said, “Yes.”

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Mr. Krout said, "The concept in that study is that generally speaking the larger scale users and maybe there is a compromise here on the 8,000 square feet that would allow for the Barnes & Noble but not allow for the true big box retail. Those big box retail uses would generally be located at the perimeter of this area on the streets that are already recognized in the community as being a highly traveled future major corridors which would be 21st Street and Kellogg east/west. The intersections along Maple, Central, and 13th Street would be more neighborhood shopping center oriented. When you think about what constitutes neighborhood shopping and that means that the traffic would be reduced and there would be more local serving and not regional serving, when you think about those kinds of uses then you typically have smaller scale uses with the exception of groceries, supermarkets, and drug stores, which are typically anchors in a neighborhood shopping center. So that is the reason that the policy calls for some limitation without a case by case review when you actually have a user for a larger scale business on these type of intersections.

"The idea about holding the overall acreage at the intersection is also related to that, to having more neighborhood oriented commercial or smaller scale commercial at these intersections along Maple, 13th, and Central, and holding the scale down to an overall square footage that can be accommodated without extraordinary traffic control measures at those intersections."

Commissioner Miller said, "So the question that I had is, and it was posed by Mr. Smyth, do you expect commercial development on that other to wrap around that substation?"

Mr. Krout said, "It may not be desirable for commercial but it is even less desirable for residential. When you have a substation and you are across from commercial how could anyone deny a Commercial Use to that. I would expect that we'll have more commercial at both those other two corners, yes."

Commissioner Miller said, "In following up on the scenario of the development of Bradley Fair. How did that occur? It was a more confined usage and it is spreading continually. How does that occur? How is that allowed?"

Mr. Krout said, "It was the incremental process. It began with defeating the Walmart ten years ago at 21st and Rock Road because neighbors said they didn't think that kind of large scale commercial development was appropriate and they wanted something that was smaller scale. The originally CUP for Bradley Fair is probably as Terry will remember does have an acreage limitation. I think it doesn't say you can have certain uses and then all other uses are held at a certain level. I think the guideline that was adopted in the CUP was no individual use could be more than 40,000 or 50,000 square feet.

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“By way of example of these large bookstores may be around 30,000 square feet. A Walmart is going to be 100,000 square feet or more. So that was the way of setting the overall scale in a different way. I think it was based on that that the search began for different kinds of users and it has become very successful and then it became successful enough that a builder came in and was actually able to triple the size of the acreage for commercial and expand his development over time.”

Commissioner Miller said, “So incrementally. We’re saying that on this site that 8,000 square feet is going to be a typical usage for a building, for a business, is that what we’re saying here?”

Mr. Krout said, “Right. If you have a user that wanted more then you would come in and ask to amend the CUP. Or if it was a small amount more you could adjust the CUP administratively.”

Commissioner Miller said, “Small amount?”

Mr. Krout said, “A small amount might be 12,000 or 15,000 if it was a particular user.”

Commissioner Miller said, “That would be under your discretion?”

Mr. Krout said, “Yes.”

Commissioner Miller said, “Very good, thank you.”

Chairman Schroeder said, “Thank you. Other questions or comments? Is there anybody else here who would like to speak to this item? I’ll just check one more time. Commissioner Winters.”

Commissioner Winters said, “Thank you, Mr. Chairman. Right now I think I’m supportive of going back and at least thinking about the original request from the applicant but I certainly am going to listen to what other Commissioners have to say. We’ve talked about this, the size and the scale, the size of any potential building. Marvin, what about the transmission line and if that had not been part of this application, would that have made an effect on any of your decision if that transmission line to the west, would that have made the lot size too long and something that wouldn’t be working? Because I see on the north side and some on the south side of 135th, there is going to be some loss from that transmission line. If we take out that square footage, we could be looking at something like 17 or 18 acres, does that make sense or not?”

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Mr. Krout said, "I think I understand what you're saying. I think we assume that the land was developable. Typically in commercial development you will see it being used as parking and drive area so for residential development you need to take it out but as far as commercial development, you may not be able to build on it but you can use it for parking, loading, and driveway."

Commissioner Winters said, "I just wondered, I guess that if the transmission line and the substation are really going to make this a corner that even at holding to the 24 acres may not, they may effect that to the fact that there is so much wasted space with them that this is actually going to be a 28 acre corner instead of 24 acre corner. Does that make sense?"

Mr. Krout said, "Are you talking about the southeast corner?"

Commissioner Winters said, "I'm talking about all four corners. In your logic of wanting to hold it to 20 acres, you are talking about all four corners and saving something."

Mr. Krout said, "I guess we're discounting the substation and we're assuming there will be 24 acres excluding that substation site. The lines can be developed as part of commercial development, but that substation really needs to be subtracted. I think the way to apply the 24 acres would be 24 acres plus the substation."

Commissioner Winters said, "When we talk about this far west zoning policy, what is the acreage on the smaller intersections?"

Mr. Krout said, "Eight acres."

Commissioner Winters said, "What is happening at the corner of 135th and Maple, two miles to the south?"

Mr. Krout said, "It is sort of an alternating pattern, if you recall. Where you would have larger intersections would be in alternating corners with the smaller scale intersections. So Maple and 135th was the larger intersection. What we have approved there is probably 26 or 28 acres maybe total, for some of it office. You've seen the Riverside Health Clinic go up and they asked for some acreage and a little more acreage and then the northeast corner came in and they asked for a little bit more than the 24 so we're probably at about 27 acres total at that intersection. Then at Central and 135th, the guideline says 8 acres. Now we'll have to see what happens and you basically have just the west side of that intersection to deal with. We want to realign Central and that location so we're going to try to work with the property owners in that area to make something work."

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“We may deviate from the 8 acre standard in that area to some extent but we’ll try to meet the spirit of it when we do. Then up at this intersection, it was another larger intersection with 24 acres. So the idea was that you would have sort of alternating. . . . no one would be . . . even though lots of people told us they would be very happy to drive three or five miles to their neighborhood shopping centers and not have any commercial development at all closer, we thought that at least there should be major commercial at every other mile intersection. So that was the plan.”

Commissioner Winters said, “All right, thanks. Then regarding the size of the square footage of the buildings and limiting to 8,000 square feet for only a grocery store and a drug store, I know Mr. Smyth was just using an example of Barnes & Noble, but if we could get a Barnes & Noble on the west side of town, we’d about do anything in the world to have that happen. I know that he was just using that as an example. I think that limiting the scope of what happens there is in a little bit in opposition to what the far west policy was trying to do in my mind. I realize that the really big stores need to have some kind of mechanism where as planners we can think about them. But to say this is going to be a larger corner and then limit it, I think is something that I have a little bit of a concern about. So I’m just going to say to my colleagues that I’m in favor of making 24 acres on these two corners and eliminating the restriction on limiting it only to drug stores and grocery stores, but I’ll take some advice from any of you. You have all heard the discussion.”

Chairman Schroeder said, “The total of 24, 12 on each side?”

Commissioner Winters said, “A total of 24, 12 on each side of the street. Again, that is my opinion. If others have different opinions because there are a lot of opinions about how this west side should develop from Maize Road west to 167th in between 21st and Kellogg. That is kind of the section of the planning that we’ve been talking about. If any of you have ideas or thoughts, I’m certainly willing to listen to them.”

Commissioner Hancock said, “I don’t think 8,000 square feet would do a Dillons.”

Commissioner Winters said, “There are two exceptions. It could be. . .”

Mr. Krout said, “A Dillons would be the exception. A Dillon store is anywhere from 55,000 to 70,000 today.”

Commissioner Hancock said, “Barnes & Noble on the east side, they moved into an old Dillons and they filled it out at Eastgate.”

Mr. Krout said, “They moved into about a 30,000 square foot.”

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Commissioner Hancock said, "I'm not sure that we're even siting the right examples here of businesses that could do 8,000. That is not very big."

Mr. Krout said, "We kind of negotiated. The Bradley Fair proposal sat a limited 40,000 or 50,000 square feet. That allows a Barnes & Nobles and larger restaurants and lots of things over 8,000 square feet without getting you into the category of Walmart, Home Depot, and some of those true big box stores. So maybe there is something there to look at."

Commissioner Winters said, "If there would be something in that line, I personally think that the Home Depot, Walmart, I think they're going to stick to Kellogg, 21st Street maybe even more than Kellogg, and I would at least consider something along that line. But there are too many other furniture stores, what have you, that I think would really be limited by the 8,000 square feet. Do you have a suggestion Marvin other than removing that altogether?"

Mr. Krout said, "Well, yes, I would say change it to 40,000 square feet instead of 8,000 square feet."

Commissioner Winters said, "I'd like to ask Mr. Smyth what he thinks about that? Mr. Smyth, could you come back as we look at this Community Unit Plan, do you think that a 40,000 square foot restriction would be beneficial in this project, something that you could deal with?"

Mr. Smyth said, "In all honesty, since we are out in front of development, and we're trying to predict the future, we realize this is speculative zoning. Can we live with that? Yes, we could live with that. Does that mean two years from now we're in here asking for a request to expand something to a 60,000 square foot store, you may see me again."

Commissioner Winters said, "But it would be a lot less chance than if it is at 8,000 square feet."

Mr. Smyth said, "Yes, that's true."

Commissioner Winters said, "Okay, thank you. Commissioner Miller."

Commissioner Miller said, "I'm trying to remember my question now. Marvin, in terms of once again rationale from the planner's perspective, I've read it and I'm still trying to get a real feel for why it was their decision to reduce this acreage down, can you just tell me again?"

Mr. Krout said, "Like I said, the acreage is less important than the scale."

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Commissioner Miller said, "The scale, let's talk about the scale and keeping it restrained."

Mr. Krout said, "As I said, when people who have come from other communities and I know that sometimes it is touchy to talk about the Johnson County as an example and what we pointed out in our study was that there were really misconceptions that people had about Johnson County even though they lived there that there were more commercial in more locations than they realized. But what you had though was a concentration of commercial that you knew that the major scale commercial development was going to be in certain corridors, like the Metcalf corridor. Commercial was much more limited along other arterial. For years and years the grid of Wichita, the perfect grid has also been what I called the ubiquitous grid in terms of any business can land on any corner and we'll accommodate them. Because 50 years ago we zoned 6 acres at every corner and at that time people thought that was enough for a shopping center. Well, it's not. So everything from that point on is kind of incremental and case by case. The idea here is to be a little bit more proactive and have a little bit case by case. I know the problem is if it is too restrictive maybe 8,000 square feet is too restrictive then you still have case by case battles that maybe you don't need to have. But the idea was to give both the residents and the development community a little bit more sense of where are we likely, just like the comprehensive plan guide, where are we more likely to find ourselves with favorable rulings. Where are we more likely to find accommodations where if I move into a neighborhood at Central or 13th Street and commercial is not going to happen in 10 or 15 years until there is enough roof tops, can I expect that it is going to be a big power center like Rock Road or can I expect that that kind of shopping is generally going to be more on Kellogg or 21st Street."

Commissioner Miller said, "Then let me jump to. . . well it wasn't quick, but the movement from 8,000 and you're suggestion and I guess it is a willingness to negotiate here from the podium, from 8,000 to 40,000. Why such a big jump?"

Mr. Krout said, "I would say the bookstore that you all believe is desirable and I agree is desirable is probably around 30,000 square feet. A Toys R Us, which is a big box, is probably somewhere maybe over 40,000 square feet. A big Office Depot may be over 40,000 square feet. But I think you can do a bowling alley in under 40,000 square feet. I think you can do a lot of uses that probably could fit in and aren't an overwhelming scale that people tend to get upset about like Home Depot."

Commissioner Miller said, "Okay. Thank you. Thank you, Mr. Chairman."

Chairman Schroeder said, "Other questions or comments?"

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Commissioner Winters said, “If there are no other questions or discussion, I would be ready to form a motion and without making this a motion, but the motion would be to go ahead and approve the findings of fact of the Metropolitan Planning but not reduce the acreage, but leave the acreage of what I believe was originally 23.78 acres and change the 8,000 square foot to 40,000 square foot. Marvin, if I make that motion would you understand what it means?”

Mr. Krout said, “And to clarify it I would say access controls as requested by the applicant, which is the set of three and two access controls.”

MOTION

Commissioner Winters moved to adopt the findings of fact of the MAPC and approve the zone change and CUP. That the acreage be at the original requested amount and that the proposed 8,000 square foot maximum be changed to 40,000 square foot, and the accesses be as proposed by the Applicant, and subject to the condition of platting; adopt a Resolution and authorize the Chairman to sign; and instruct the MAPD to withhold publication until the plat has been recorded with the Register of Deeds.

Commissioner Miller seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

| | |
|--------------------------------|-----|
| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, “Thank you. Next item, Item 5.”

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5. CASE NUMBER CU-462 - REQUEST FOR CONDITIONAL USE PERMIT TO ALLOW SALT WATER MINING ON PROPERTY LOCATED NORTH OF 111TH STREET SOUTH AND EAST OF 231ST STREET WEST.

Mr. Krout said, "Commissioners, this case would probably have taken you into the afternoon but we do have a request for deferral and it is a joint request from both the applicant and the attorney who is representing the neighbors who are opposing this Conditional Use. I think you announced that informally at the beginning of the meeting. They would like to have it rescheduled for two weeks, March 11."

Chairman Schroeder said, "March 11, okay."

MOTION

Commissioner Gwin moved to defer the item until March 11, 1998.

Commissioner Hancock seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

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| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, "Marvin, thank you. It is always a pleasure to have you all morning. Thank you. Next item please."

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NEW BUSINESS

E. BUREAU OF COMPREHENSIVE COMMUNITY CARE (COMCARE).

1. CONTRACT WITH CHRISTINA RUSTIA, M.D. TO PROVIDE PSYCHIATRIC SERVICES.

Mr. DuVall said, "This particular Contract is with Dr. Christina Rustia. She is going to work for us as an independent contractor at a set amount per rate. She will be providing psychiatric services. She is a psychiatrist for the consumers of COMCARE. Would recommend your approval of the contract."

Chairman Schroeder said, "Thank you, John. Discussion on this item?"

MOTION

Commissioner Hancock moved to approve the Contract and authorize the Chairman to sign.

Commissioner Gwin seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

| | |
|--------------------------------|-----|
| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, "Thank you. Next item."

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2. CONTRACT WITH FAMILY CONSULTATION SERVICE TO PROVIDE IN-HOME FAMILY THERAPY SERVICES FOR SEVERELY EMOTIONALLY DISTURBED CHILDREN, YOUTH AND FAMILIES.

Mr. DuVall said, "This particular contract with Family Consultation Service provides in-home therapy services for SED children, youth, and families. In-home is actually a more effective therapy by actually involving the entire family. I recommend your approval of the contract."

MOTION

Commissioner Gwin moved to approve the Contract and authorize the Chairman to sign.

Commissioner Hancock seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

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|--------------------------------|-----|
| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, "Thank you. Next item please."

3. CONTRACT WITH TOPP CONSULTING CORPORATION TO PROVIDE PROGRAM EVALUATION SERVICES RELATED TO THE CHILD MENTAL HEALTH INITIATIVE GRANT PROGRAM.

Mr. DuVall said, "This is a renewal of Topp Consulting's Contract. Topp is a requirement of our children's federal grant to have a certain amount of evaluation services provided. I recommend your approval."

Chairman Schroeder said, "Thank you. Discussion? It not, what's the will of the Board?"

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MOTION

Commissioner Hancock moved to approve the Contract and authorize the Chairman to sign.

Commissioner Gwin seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

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|--------------------------------|-----|
| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, "Thank you. Next item."

4. CONTRACT WITH MENTAL HEALTH ASSOCIATION OF SOUTH CENTRAL KANSAS TO PROVIDE PSYCHOSOCIAL SUPPORT TO SEVERELY AND PERSISTENTLY MENTALLY ILL PERSONS.

Mr. DuVall said, "This is also a renewal of an existing contract with the Mental Health Association. What they do is actually provide individual and group socialization activities for adults and children through the COMPEER program. This particular program has been around for quite a while. It has been very successful. I would recommend your approval of the Contract."

MOTION

Commissioner Hancock moved to approve the Contract and authorize the Chairman to sign.

Commissioner Miller seconded the Motion.

There was no discussion on the Motion, the vote was called.

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VOTE

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|--------------------------------|-----|
| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, "Thank you. Next item please."

5. PREVENTION FUND CONTRACTS (SIX) TO PROVIDE COMMUNITY-BASED PREVENTION/EARLY INTERVENTION SERVICES FOR YOUTH AND THEIR FAMILIES.

- **DCCCA, INC.: \$120,000**
- **LITERACY RESOURCES OF THE METROPOLITAN AREA: \$8,200**
- **BIG BROTHERS AND SISTERS OF SEDGWICK COUNTY, INC.: \$156,476**
- **KANSAS SCHOOL FOR EFFECTIVE LEARNING: \$44,441**
- **PROJECT FREEDOM FAMILY AND YOUTH COALITION: \$105,665**
- **TIYOSPAYE: \$50,000**

Mr. DuVall said, "Prevention fund Contracts, as the Commission is aware, is the results of the Board of County Commissioners allocation monies during 1998 to focus on community based prevention and early intervention for youth and families within Sedgwick County. A total of ten community based agencies have been selected for this first year. Six of the agencies are represented in the contracts that you just heard. Two of the other agency contracts have already been approved a couple of weeks ago and the remaining two contracts will be on the agenda on March 11. Jeannette Partridge, the staff of COMCARE, will be the person responsible for these contracts. She'll be working with each agency to help them reach their goals and objectives. She'll be developing specific outcome measures for each program which will aid the Commission in determining the effectiveness of each program. I would recommend your approval."

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Chairman Schroeder said, "Thank you, John."

MOTION

Commissioner Miller moved to approve the Contracts and authorize the Chairman to sign.

Commissioner Gwin seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

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| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, "Thanks, John, appreciate you being here. Next item please."

F. DEPARTMENT OF CORRECTIONS.

1. LEASE AGREEMENT WITH BUILDERS, INC. FOR SPACE LOCATED AT 961 GLENDALE TO HOUSE THE JUVENILE FIELD SERVICES DIVISION OFFICES.

Ms. Cecile Gough, Department of Corrections, greeted the Commissioners and said, "In January, just this past month, Sedgwick County entered into a Contract with the Juvenile Justice Authority to begin providing juvenile offender case management services. We are recommending that office space for this program be leased in the Parklane Shopping Center where COMCARE formally had their south center. JJA grant funds is available to pay for the current fiscal year lease cost and we expect continued JJA funding."

Chairman Schroeder said, "Thank you. Discussion on this item?"

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MOTION

Commissioner Gwin moved to approve the Agreement and authorize the Chairman to sign.

Commissioner Hancock seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

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|--------------------------------|-----|
| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, "Thank you. Next item."

2. ADDITION OF TWO GRANT-FUNDED CORRECTIONS WORKERS POSITIONS, RANGE 16, TO THE DEPARTMENT OF CORRECTIONS STAFFING TABLE.

Ms. Gough said, "Last May, the Sedgwick County aftercare program relocated to a larger facility and increased their capacity from 15 beds to 18 beds without an increase in staff. However, it has now become evident that in order for us to maintain supervision and security at this large a facility that we need additional staff. We are requesting the approval for the addition of two grant funded correction worker positions to the SCYP staffing table."

Chairman Schroeder said, "Thank you. Discussion on this item?"

MOTION

Commissioner Hancock moved to Approve the additions to the Department of Corrections Staffing Table.

Commissioner Miller seconded the Motion.

There was no discussion on the Motion, the vote was called.

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VOTE

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|--------------------------------|-----|
| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, "Thank you, Cecile. Next item please."

G. CAPITAL PROJECTS DEPARTMENT.

- 1. CONTRACT MODIFICATION #1 WITH THE LAW COMPANY FOR CONSTRUCTION OF THE DETENTION FACILITY EXPANSION. CIP #1995 PB258.**

Ms. Stephanie Knebel, Capital Projects Department, greeted the Commissioners and said, "This agenda item is a request for approval for Contract Modification with the Law Company. This item is found beginning on page 241 of your agenda back-up material. You've all been briefed on these 34 items that make up this modification. As a reminder, this modification totals \$314,786, and can be made from within the existing project budget. With the approval of this modification the total amount of our contract with the Law Company will be \$31,394,466. We have several people available if you have any further questions. Rich Kerschen, President of the Law Company, we've got Kelley Stillings who is our project manager for the Law Company, as well as Joe Johnson and Ed Koser from Schaefer, Johnson. I recommend approval and am available for questions."

Chairman Schroeder said, "Thank you. Any questions on this item? If not, what's the will of the Board?"

MOTION

Commissioner Hancock moved to approve the Contract Modification and authorize the Chairman to sign.

Commissioner Gwin seconded the Motion.

There was no discussion on the Motion, the vote was called.

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VOTE

| | |
|--------------------------------|-----|
| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, "Thank you. Before we go to the next item, I just want to say to the staff that is here that you guys are doing a wonderful job. It seems like the jail is coming along fine. From what I hear we're very happy with the progress we're making and that is attributed to you guys doing a great job. Appreciate it. Thank you. Thank you, Stephanie. Next item, please."

2. CAPITAL PROJECTS DEPARTMENT MONTHLY REPORT.

Chairman Schroeder asked, "Where is Ken Arnold. Let's go on to the next item then. Item No. H."

H. COMMUNITY HEALTH DEPARTMENT MONTHLY REPORT.

Mr. Jack Brown, RS, MPA, Acting Director, Health Department, greeted the Commissioners and said, "I think the first item I want to mention is you probably heard about the Riverview water situation in northwest Wichita. Primarily that situation is in the City limits of Wichita. It is the tail end of a plume that is in a superfund site known as 57th and North Broadway that is located roughly at 57th and North Broadway. Actions that have been taken, the EPA is the lead agency on this particular project. The City Water Department is moving quickly to provide water to that effected area. The EPA is providing bottled water to that area and when I say that area, it is an area that is roughly two blocks wide and three or four blocks long. I have maps and I will provide them once they are finalized for those of you who might want to see in a little more detail the area that we are talking about. Tonight there is a meeting at the City Council Chambers, a public meeting to discuss this issue with the citizens. The bottled water, the availability of public water supply, and the component the Health Department is providing in this whole thing is additional sampling in that general area that probably will be within in City limits and perhaps outside the City limits to give those people who are on water wells out in that area a level of comfort that their groundwater is not effected by this contamination or there is possibility that they could find additional contamination and in which case that information would be provided to EPA so they could further extend the investigation and we could take other appropriate action. The response has been very good on that whole situation.

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“The water project has been moved up by six or seven months to get water in the area and I think the water connections would start around the area of 50th and Arkansas and move west. So that will be moving quick. The water project I’m not as familiar with our involvement in terms of the sampling project and I think we’ll be sampling out in that area I think tomorrow and be doing some additional work in trying to assist the EPA in defining this plume and addressing citizens concerns probably by Monday. Everything is moving pretty quickly up there. There has been a good response from almost all of those involved. We’ll see what the response is tonight after a public discussion of this and see what our next steps are.

“Might bring you up to speed. The air quality standards, I think I’ve mentioned to you from time to time, the federal air quality standards have been lowered and are more strict. Staff is working with the Metropolitan Area Planning Department to look at issues that may impact our air quality in terms of transportation planning and those types of things to make sure that we develop some kind of contingency to stay within those new stricter standards into the future. So I think there will be a three year implementation period for these new stricter standards, so we have some time to be sure that we’re going to be in compliance.

“Some internal items on issuance of permits. We’ve had some meetings with County Code Enforcement and we hope to continue those meetings. Our goal is to try and establish a procedure so when a citizen comes in for a building permit we are in a position to issue that building permit from one location and a citizen doesn’t have to go to two locations or more to get that permit finalized. That is an ongoing process. We’ve focused on those newly platted properties with a new home and I think we’re working toward that goal.

“There have been plans in process for a County Living Workshop. This includes a number of different agencies. I can’t remember all of them. Basically the workshop is to be held March 31st and the participants and the presenters will be discussing various issues, code enforcement issues, environmental issues, soil conservation issues, that type of thing. It is designed to assist those people that are living in those suburban areas where there may not be public services. Some of the issues that they might want to consider and address. This is an idea that KDHE has promoted, our department has promoted, other County agencies, Code Enforcement has been working with us. I think it has got a lot of merit. This will be the first ever and I think we’re anticipating about 150 participants.

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“Lastly, two quick things. We’re doing some remodeling at the Health Department to try and make it a more efficient in our office space and some of that has been completed. We’re in the design phase of creating an Information Center at the entrance of the Health Department so when citizens come in we can better provide them with service, information, and directions through the Health Department facility.

“Lastly, we had a big effort going for some time, it is probably going to be a project that is going to take a considerable amount of time but that is developing a better Data Collection System for the Health Department so we have a better way of tracking our various programs, outcomes, looking at performance measures, looking at health indicators. There is just a whole number of issues associated with better data collection. We haven’t had that in the past. We have a couple of staff members from KU School of Medicine who are helping us on that. They’ve been assigned at no charge to assist us in this endeavor. They started the first phase which is a Data Collection Assessment process. It has a lot of merit and we’re going to tie it into our information system and that’s progressing. I don’t know when we’ll have that task completed, but I’ll keep you updated as we go through that process.

“We had a fairly lengthy report, there are about seven pages I think this month. Obviously I didn’t cover everything, but if you have any questions I’d be happy to respond.”

Chairman Schroeder said, “Thank you, Jack. Other questions or comments? Thank you for your brief report, we appreciate it, it has been a long morning.”

MOTION

Commissioner Gwin moved to receive and file.

Commissioner Hancock seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

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| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

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Chairman Schroeder said, "Thank you, Jack. Back to Item G-2."

2. CAPITAL PROJECTS DEPARTMENT MONTHLY REPORT.

Mr. Ken Arnold, Director, Capital Projects Department, greeted the Commissioners and said, "My apologies for being late, I got tied up on the 11th floor. The report starts on page 248 in your back-up. I was going to highlight a couple of projects on page 251. The parking garage expansion project you might have noticed, we started the landscaping and should be done this week. And the room that we're in now, we'll start the work in this room for the audio visual system this afternoon. That's all I was going to comment on unless you have any questions."

Chairman Schroeder said, "Say that again."

Mr. Arnold said, "We're going to start the audio visual upgrade in this room, the lighting changes this afternoon."

Commissioner Gwin said, "Hooray."

Chairman Schroeder said, "About time, isn't it. They had overhead projectors like that one when I was in junior high school."

Mr. Arnold said, "Just a couple of years."

Commissioner Gwin said, "Trying to make up for being late."

Chairman Schroeder said, "Good try. Okay, thank you, Ken. Discussion on this item?"

MOTION

Commissioner Gwin moved to receive and file.

Commissioner Miller seconded the Motion.

There was no discussion on the Motion, the vote was called.

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VOTE

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|--------------------------------|-----|
| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, "Thank you, Ken. Next item please."

I. BUREAU OF PUBLIC SERVICES.

- 1. RESOLUTION ESTABLISHING THE SPEED ZONE ON WEST STREET BETWEEN 77TH AND 81ST STREETS NORTH IN VALLEY CENTER TOWNSHIP, AND PROVIDING FOR THE ENFORCEMENT THEREOF. DISTRICT #4.**

Mr. Mark Borst, Deputy Director, Bureau of Public Services, greeted the Commissioners and said, "Item I-1 is a Resolution establishing a 45 mile per hour speed zone on West Street on the ½ mile section between 77th and 81st Streets North. The Valley Center township officials have passed on residents' concerns for this piece of road and we concur with the need to reduce the speed limit due to development upon it and its tendency to be just a rough washboarded road. I would recommend you adopt the Resolution."

MOTION

Commissioner Hancock moved to adopt the Resolution.

Commissioner Winters seconded the Motion.

There was no discussion on the Motion, the vote was called.

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VOTE

| | |
|--------------------------------|-----|
| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, "Thank you. Next item."

2. RESOLUTION AUTHORIZING ESTABLISHMENT AND INSTALLATION OF TRAFFIC CONTROL DEVICES AT CERTAIN INTERSECTIONS OF TOWNSHIP ROADS WITHIN RIVERSIDE TOWNSHIP, AND PROVIDING FOR THE ENFORCEMENT THEREOF. DISTRICT #5.

Mr. Borst said, "The next Resolution modifies the traffic control of the Riverside Township intersection of Greenhaven, Cumberland, and Inglewood. The control will go from the present two way stop control to a four way control. Township officials have requested this change due to site restrictions on multiple approaches and I recommend you adopt the Resolution."

MOTION

Commissioner Hancock moved to adopt the Resolution.

Commissioner Gwin seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

| | |
|--------------------------------|-----|
| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, "Thank you. Next item."

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3. RESOLUTION ESTABLISHING TRAFFIC CONTROL DEVICES AT CERTAIN INTERSECTIONS ALONG SECTION LINE ROADS WITHIN OR ABUTTING SALEM TOWNSHIP, AND PROVIDING FOR THE ENFORCEMENT THEREOF. DISTRICT #2.

Mr. Borst said, "Item I-3 is a Resolution for intersections along section line roads in Salem Township. The only change in this Resolution is to convert the intersection of 111th Street South and Seneca from no control or open control to east and west bound yield control. All other intersections will stay the same as the original 1996 Resolution set forth. I recommend you adopt the Resolution."

MOTION

Commissioner Hancock moved to adopt the Resolution.

Commissioner Miller seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

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|--------------------------------|-----|
| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, "Thank you. Next item."

4. RESOLUTION ESTABLISHING TRAFFIC CONTROL DEVICES WITHIN SUBDIVISIONS WITHIN SALEM TOWNSHIP, AND PROVIDING FOR THE ENFORCEMENT THEREOF. DISTRICT #2.

Mr. Borst said, "The Item I-4 is the last Resolution I have today. It changes the traffic control at 82nd Street South and Lulu from open or no control to north bound and south bound yield control. This Resolution does address all intersections within subdivisions in Salem Township but 82nd and Lulu is the only one that changes. I recommend that you adopt the Resolution."

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MOTION

Commissioner Hancock moved to adopt the Resolution.

Commissioner Gwin seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

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|--------------------------------|-----|
| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, "Thank you. Appreciate it, Mark. Next item please."

5. RESOLUTION RELATING TO EXTENSIONS, ADDITIONS OR SUBSTITUTIONS IN STREET LIGHTING EQUIPMENT TO BE FURNISHED BY KANSAS GAS AND ELECTRIC COMPANY. DISTRICT #1.

Mr. David C. Spears, P.E., Director/County Engineer, Bureau of Public Services, greeted the Commissioners and said, "Item I-5 is a Resolution prepared by KGE for modification to street lighting in Sedgwick County. The Resolution calls for the installation of 32 high pressure sodium street lights located along Central from Webb Road to Greenwich Road. The increase in compensation paid by the County will be \$8,324.67 per year. This will make the annual compensation paid by Sedgwick County to KGE for street lights \$103,039.29. Recommend that you adopt the Resolution."

MOTION

Commissioner Gwin moved to adopt the Resolution.

Commissioner Miller seconded the Motion.

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Commissioner Hancock said, "I just have a question. When and if this is annexed does the City then take over the street lighting?"

Mr. Spears said, "That is correct. As that happens in all parts of the County, if any of our lights are in there, they take over the bill, yes sir."

Commissioner Miller said, "What if they don't annex the streets?"

Mr. Spears said, "Then we would still pay the bill."

Commissioner Gwin said, "That's what I thought. Thank you."

Chairman Schroeder said, "Thank you. Further comments or questions? If not, Clerk call the vote."

VOTE

| | |
|--------------------------------|-----|
| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, "Thank you, David. Next item please."

J. REPORT OF THE BOARD OF BIDS AND CONTRACTS' FEBRUARY 19, 1998 REGULAR MEETING.

Mr. Darren Muci, Director, Purchasing Department, greeted the Commissioners and said, "You have Minutes from the February 19 meeting of the Board of Bids and Contracts. There are nine items for consideration."

**(1) BRIDGE IMPROVEMENTS - BUREAU/PUBLIC SERVICES
FUNDING: GENERAL OBLIGATION BONDS**

"Item one is bridge improvements for the Bureau of Public Services, several projects. It was recommended to accept the low bid of Utility Contractors in the amount of \$767,702.40."

Regular Meeting, February 25, 1998

(2) FOUR DOOR SEDANS - MOTOR POOL
FUNDING: MOTOR POOL

“Item two, four door sedans for the Central Motor Pool and the four departments you see listed. It was recommended to accept the low bid of Don Hattan Chevrolet in the amount of \$49,640. That includes the trade-in of four vehicles and the purchase of optional manuals.

(3) MINI-VAN - MOTOR POOL
FUNDING: MOTOR POOL

“Item three is a mini-van for the Central Motor Pool and the Judge Riddel Boys Ranch. It was recommended to accept the low bid of Don Hattan Chevrolet in the amount of \$12,996. It also includes trade-in and purchase of optional manuals.

(4) FOUR DOOR SEDANS - MOTOR POOL
FUNDING: MOTOR POOL

“Item four, four door sedans for Central Motor Pool and the Sheriff’s Department. It was recommended to accept the low bid of Rusty Eck Ford, in the amount of \$60,380, that also includes trade-in and optional manuals.

(5) EXTENDED CAB TRUCKS - MOTOR POOL
FUNDING: MOTOR POOL

“Item five, extended cab pickup trucks for the Central Motor Pool and Code Enforcement. It was recommended to accept the low bid of Don Hattan Chevrolet. That amount is \$34,330 with trade-in and options manuals.

(6) ½ TON FOUR WHEEL DRIVE TRUCK - MOTOR POOL
FUNDING: MOTOR POOL

“Item six, a ½ ton four wheel drive pickup for the central motor pool and the Bureau of Public Services. It was recommended to accept the low bid of Mel Hambleton Ford. That amount is \$8,190 and includes trade-in and optional manuals.

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**(7) PERSONAL COMPUTER HARDWARE & SOFTWARE - CAPITAL PROJECTS
FUNDING: DETENTION FACILITY ADDITION**

“Item seven, personal computer hardware and software for Capital Projects and the Detention Facility addition. It was recommended to accept the low total bid of Computerland East. That amount is \$189,404.64. Two pages of tabulations follow.

**(8) TELEPHONES - APPRAISER
FUNDING: APPRAISER**

“Item eight are additional telephones for the Appraiser. You will note that recently we facilitated the purchase of a telephone system. We have determined the need for additional equipment, but we’d like to defer action on this item for one week.

**(9) COPY MACHINE CONTRACT - VARIOUS DEPARTMENTS
FUNDING: VARIOUS DEPARTMENTS**

“Item nine, copy machine contract for various departments. On behalf of the committee, it was recommended to reject all bids and revisit our specifications and selection criteria and resolicit at a later date. There are two pages of tabulations that follow.

ITEMS NOT REQUIRING BOCC ACTION

**(10) IMAGING APPLICATION - LEGAL
FUNDING: LEGAL**

**(11) ON-CALL ARCHITECTURAL & ENGINEERING SERVICES - CAPITAL PROJECTS
FUNDING: CAPITAL PROJECTS**

“Item ten, imaging application for the Legal Department. This is one of the items that does not require action. Those proposals are being reviewed. And on-call architectural and engineering services for Capital Projects, those proposals are also being reviewed. I’ll be happy to take questions and would recommend approval of the Minutes provided by the Board of Bids and Contracts.”

Chairman Schroeder said, “Thank you, Darren. Other questions or comments? If not, what’s the will of the Board?”

Regular Meeting, February 25, 1998

MOTION

Commissioner Gwin moved to approve the recommendations of the Board of Bids and Contracts.

Commissioner Hancock seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

| | |
|--------------------------------|-----|
| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, “Thank you, Darren. Next item please.”

CONSENT AGENDA

K. CONSENT AGENDA.

1. Right-of-Way Easements.

The following tracts of land have been granted by Easement for Right-of-Way at no cost to the County. These Easements were requested by the Director, Bureau of Public Services, as a condition of receiving a Platting Exemption on an unplatted tract.

- a. Owners: Jack Glaves, Sec. of C G Investment, Inc., located in the Northeast Quarter of Section 16, Township 29 South, Range 1 East, more specifically located on the south side of 87th Street South and west of 16th Street East (Hydraulic). Salem Township. District #2.

Regular Meeting, February 25, 1998

- b. Owners: Jack Glaves, Sec. of C G Investment, Inc., located in the Northeast Quarter of Section 16, Township 29 South, Range 1 East, more specifically located on the south side of 87th Street South and west of 16th Street East (Hydraulic). Salem Township. District #2.

2. Right-of-Way Agreements.

- a. One Temporary Construction Easement for Sedgwick County Project No. 811-S½ K, L; Ridge Road between 29th Street North and K-96. CIP #R-222. District #4.
- b. One Easement for Right-of-Way for Sedgwick County Project No. 616-32, 33, W ½ 34; 13th Street North between the east city limits of Wichita and K-96. CIP #R-225. District #1.
- c. Two Easements for Right-of-Way and two Temporary Construction Easements for Sedgwick County Project Nos. 612-18-2000 and 612-18-2750; Bridges on 29th Street North between 119th and 135th Streets West. CIP #B-313 and #B-314. District #3.
- d. Two Easements for Right-of-Way and two Temporary Construction Easements for Sedgwick County Project No. 600-29-600; Bridge on 77th Street North between Hillside and Oliver. CIP #B-355. Districts #1 and #4.

3. Section 8 Housing Assistance Payment Contracts.

| <u>Contract Number</u> | <u>Rent Subsidy</u> | <u>District Number</u> | <u>Landlord</u> |
|------------------------|---------------------|------------------------|-------------------|
| V98012 | \$231.00 | 5 | Springcreek Apts. |
| V98013 | \$251.00 | 5 | William Favreau |

Regular Meeting, February 25, 1998

- 4. The following Section 8 Housing Contracts are being amended to reflect a revised monthly amount due to a change in the income level of the participating client.**

| <u>Contract Number</u> | <u>Old Amount</u> | <u>New Amount</u> |
|------------------------|-------------------|-------------------|
| V95048 | \$389.00 | \$158.00 |
| V98003 | \$204.00 | \$216.00 |
| V97064 | \$373.00 | \$450.00 |
| V96070 | \$210.00 | \$210.00 |
| V96035 | \$150.00 | \$167.00 |
| V95115 | \$312.00 | \$114.00 |

- 5. Order dated February 18, 1998 to correct tax roll for change of assessment.**

- 6. Consideration of the Check Register of February 20, 1998.**

- 7. Budget Adjustment Requests.**

| <u>Number</u> | <u>Department</u> | <u>Type of Adjustment</u> |
|---------------|---|----------------------------|
| 980081 | Emergency Communications | Transfer |
| 980082 | Corrections | Supplemental Appropriation |
| 980083 | Community Development Flying in Formation | Supplemental Appropriation |
| 980084 | Detention Facility Expansion | Supplemental Appropriation |
| 980085 | Detention Facility Expansion | Supplemental Appropriation |
| 980086 | Road and Bridge Sales Tax | Transfer |
| 980087 | 1998 Bridge Projects | Supplemental Appropriation |
| 980088 | 1998 Bridge Projects | Supplemental Appropriation |

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "You have the Consent Agenda before you and I would recommend you approve it."

Regular Meeting, February 25, 1998

MOTION

Commissioner Hancock moved to approve the Consent Agenda as presented.

Commissioner Gwin seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

| | |
|--------------------------------|-----|
| Commissioner Betsy Gwin | Aye |
| Commissioner Paul W. Hancock | Aye |
| Commissioner Thomas G. Winters | Aye |
| Commissioner Melody C. Miller | Aye |
| Chairman Mark F. Schroeder | Aye |

Chairman Schroeder said, "Thank you. Any other business to come before this Board today? If not, we're adjourned."

L. OTHER

M. ADJOURNMENT

Regular Meeting, February 25, 1998

There being no other business to come before the Board, the Meeting was adjourned at 11:48 a.m.

**BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS**

MARK F. SCHROEDER, Chairman
Fifth District

PAUL W. HANCOCK, Chairman Pro Tem
Second District

BETSY GWIN, Commissioner
First District

THOMAS G. WINTERS, Commissioner
Third District

MELODY C. MILLER, Commissioner
Fourth District

ATTEST:

James Alford, County Clerk

APPROVED:

_____, 1998