

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

PLANNING COMMISSION MINUTES

December 6, 2005

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, Planning Commission was held on Tuesday, December 6, 2005 at 7:00 p.m., in the Clearwater City Council Chamber, City Hall at 129 E. Ross Avenue, Clearwater, Kansas.

The following members were present: George Rudy, Chairman; Lonnie Stieben, LaDonna Lawrenz, Aaron Tjaden, Don Berntsen, Mike Machart, and Les Langston. The following City staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; and Janet Amerine, City Attorney. Also present at the meeting was Mark Savoy, Professional Surveyor for Harlan Foraker, and John Riggs, Professional Planner of Riggs Associates.

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1. Approval of Minutes of the Meeting of October 4, 2005

The November meeting was cancelled due to lack of a quorum.

MOTION: The motion to approve the minutes was made by Stieben, seconded by Lawrenz and passed unanimously.

2. Introduction of New Planning Commissioners

City Administrator Brown introduced and welcomed Les Langston and Mike Machart as new members of the Planning Commission. City Attorney Amerine commented that this is the first time in a very long time that the Planning Commission has been at full strength.

3. Zoning Change from Residential (R-1) to Residential (R-3)

City Administrator Brown stated that when a property is annexed into the City the default zone is R-1. Brown stated that the purpose of this hearing is for the Planning Commission to either recommend or not recommend to the Council the change of zoning from R-1 (single family dwelling) to R-3 (multi-family dwellings). Brown stated that the property is a piece off of 4th Avenue and is about 700 ft. to the east matching up with the east property line of the Village of Ninnescah and Evangelical Free Church. The developer plans to build senior apartments and the City is going to build a senior center on the property. The character of the proposed building site is more with the character of R-3 multi-family dwellings. Brown reviewed R-1 zone and the use. Brown then stated that R-3 includes all

uses permitted in R-1 & R-2 and then reviewed the additional uses in R-3. Brown stated that the first phase of the project includes 18 units with an additional 18 units to be constructed later. Brown read from R-3 that “a lot where there is erected multi-family apartments having five or more dwelling units shall contain an area of not less than eighteen thousand (18,000) square feet, plus three thousand (3,000) square feet for each unit over 4” unless it abuts R-1. Brown stated that the front yard setback is the same in R-1 & R-2, however; the side yard setback is smaller. Berntsen stated that he thought that when the property was annexed it was changed to R-3. Brown stated that in the beginning there was some confusion and staff probably stated it that way. Since then John Riggs has cleared up the confusion telling staff that it is set with a default of R-1 with neighbors being notified and a hearing is required before a change of zone.

MOTION: Don Berntsen made a motion to approve the zoning change for the Seniors Addition from R-1 to R-3. Lonnie Stieben seconded the motion and it passed unanimously.

4. Preliminary Plat Seniors Addition

City Administrator Brown distributed the preliminary plat stating that there would be a couple of corrections. Mark Savoy, Professional Surveyor, stated that the preliminary plat is for the senior center and phase 1 of the senior housing. Savoy stated that he overheard that the neck on the property is rather wasted and he explained that Harlan Foraker has made a drainage concept to put what is called a dry pond in the neck of the property that abuts up to Fourth Avenue. The property will be so that when there is rain the pond will fill and then drain out at the same rate that the ground currently drains. Savoy also stated that all of the service lines are not shown on the preliminary plat at this time. Brown explained that the street would be Janet Ave. and will be offset to the current Janet Avenue from the west, which lines up with the Village of Ninnescah. Eventually the street will hook up with Chisholm Ridge and be another exit from that development. The Commission, Brown, and Savoy continued to discuss the drainage at length. Savoy stated that the preliminary plat is not complete as there will be some additional coordination with the architect. LaDonna Lawrenz questioned the placement of the trash enclosures stating it looks like they are over a utility easement. John Riggs explained the options on the preliminary plat to the Commissioners. Riggs stated that the preliminary plat is the only time to make environmental changes. The Commission has a choice to either approve or table the plat and give items that must be presented on the preliminary plat before approval. Brown stated that the two major things that are left out are the utility easement on the south side of the property and where it start going up to the neck area. Don Berntsen stated he needs more information on the drainage. Brown stated that it is possible to approve the preliminary and final plat at the same meeting. Brown stated that there is somewhat of a time constraint on the project.

MOTION: Lonnie Stieben made a motion to approve the preliminary plat subject to

satisfactory submission of a drainage plan and clearly identified easements. It is possible for the preliminary and final plat to be presented at the same time. Don Berntsen seconded the motion and is passed unanimously.

5. John Riggs

John Riggs distributed the last element of the Comprehensive Plan titled “Implementing the Comprehensive Plan”. Riggs reviewed the report page by page including all of the application forms. Riggs stated that the processes and procedures for implementation of the Comprehensive Plan identifies priority issues and prepares an action plan, regulates development and use of property, provides for public services, utilities and other improvements, and educates the public to participate in the planning process. Riggs continued to state that over the course of the planning project priority issues and an action plan was identified and that the Planning Commission has the primary responsibility for maintenance of the action plan. Riggs reviewed the statutory authority for zoning, amendments to the zoning ordinance and map, special use permits (exceptions), appeals and variances, planned unit development, lot splits, and floodplain areas. Riggs stated that following adoption of a comprehensive plan, a city planning commission may adopt and amend regulations governing the subdivision of land. Riggs reviewed that in order for the plan to remain useful as a guide for community development, the process of planning must be continuous. The law requires that the Comprehensive Plan be reviewed at least once a year by the Planning Commission and by June 1 of each calendar year a written report provided to the governing body. Riggs stated that since this is the last step to the Comprehensive Plan unless the Planning Commission has some major changes, the Plan is ready for the Public Hearing. After a brief discussion, the Commission decided they wanted to update the zoning map again before scheduling the Public Hearing.

6. Other Matters or Concerns

Lonnie Stieben questioned John Riggs how the Planning Commission could address the large side yard set backs? Stieben stated that the 12.5 side yard setbacks that are required are much larger than any other City and is a hindrance to future development. Riggs stated that a certain Council member told him that Clearwater is not like any other City and the residents want the large area between houses. Stieben stated that Clearwater is not able to compete with other cities since the setbacks cause the cost of specials to be more than \$10,000 higher than other developments. The Commission continued to discuss the problem with differences of opinions on the subject.

7. Adjournment

With there being no further business to come before the Commission, Tjaden made a motion to adjourn the meeting. The motion was seconded by Lawrenz and passed

unanimously.

CERTIFICATE

State of Kansas }
County of Sedgwick }
City of Clearwater }

I, Cheryl Wright, City Clerk of the City of Clearwater, Sedgwick County, Kansas, hereby certify that the foregoing is a true and correct copy of the approved minutes of the December 6, 2005 Planning Commission meeting.

Given under my hand and official seal of the City of Clearwater, this 3rd day of January 2006.

Cheryl S. Wright, City Clerk