

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

PLANNING COMMISSION MINUTES

September 4, 2007

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, Planning Commission was held on Tuesday, September 4, 2007 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: Lonnie Stieben, George Rudy, Don Berntsen, Ryan Shackelford, 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.

1. Approval of Minutes of the Meeting of August 7, 2007

MOTION: The motion to approve the minutes was made by Mike Machart, seconded by Don Berntsen and passed unanimously.

2. Review Exceptions to Property Development Standards

Chairman, Lonnie Stieben stated that the City needs some clarification for the Sedgwick County code inspectors and for the permit process on exceptions to yard setbacks. City Administrator Brown stated that a couple of meetings ago Mike Machart pointed out that in the current language in the Zoning Regulation is “The setback for yard requirements shall be determined by measuring the horizontal distance from the property line to the nearest architectural projection of the building”. This language can present difficulties for code inspection. Brown stated that he provided examples from Valley Center, Colwich, and property development standards from Wichita-Sedgwick County Unified Zoning Code. Brown continued to state that he invited John Staton with Sedgwick County Code Enforcement to speak to the Planning Commission on what their roll is, what code enforcement looks for and how communication can be better.

John Staton stated that Sedgwick County Code Enforcement is under contract with the City of Clearwater to do all inspections and the fee is half of the permit fee. Staton continued to state for example, after the City sells a building permit and when the mason has the footing ready to be poured, the inspector is called to check before the concrete arrives. At the time of checking the footings the first question asked is how much room is there between the sidewalls and the property line. If the person on site tells the inspector that they are really tight, then the inspector will notate on the card that after the wall is poured to check setbacks. The measurement checking the setbacks is from the form of the wall to the

property line. Lonnie Stieben questioned if the inspector sees the plans? Staton stated that there is a set of plans on the building site. Mike Machart question if the code inspector know the setbacks for every development in every city in Sedgwick County? Staton stated that the inspectors rely on the building inspection card provided to the builder by the City when the permit is issued. The Commission discussed variances and Staton stated that the building inspection card should indicate that a variance was approved and a copy should be attached to the card. If the inspector suspects a problem, they go to the City for clarification. Staton stated that setbacks are generally defined and determined by the Governing Body of the particular city. Don Berntsen stated that the zoning code deals with the 12.5 ft. or 10 ft. side yard setbacks, but does not address escape windows, chimneys, or the overhang of the roof. Lonnie Stieben stated that he has reviewed the examples of exceptions and he relates to the Wichita-Sedgwick County Unified Zoning Code in regards to permitted exceptions in setbacks. Keith Tjaden stated that he would like to build a 1,751 SF house measuring 59.4 ft. from foundation to foundation. Tjaden continued to state that if the Commission does not approve exceptions to setbacks they would not be able to build the house. City Clerk Wright questioned Staton if every other city in Sedgwick County has exceptions in the setbacks? Staton stated yes and commented that there would not be the kind of building going if there were no exceptions in the setbacks. Staton also stated that a City is not obligated to issue a permit in rapid turn around. Most of the time everything is fine, but all requests for a permit should be checked thoroughly. Stieben reviewed each exception allowed within setbacks in the Wichita Sedgwick County Unified Zoning Code and the Commission either approved or discussed and made changes.

- a) Trees, shrubbery or other features of natural growth;

Approved by the Commission with minimal discussion.

- b) Fences or walls that do not exceed **eight feet** in height as measured on the side of the fence with the least vertical exposure above finished grade;

After changing the **eight feet in height to six feet** in height (b) was approved by the Commission.

- c) Driveways, patios and sidewalks;

Approved by the Commission with minimal discussion. John Staton stated that wing walls used to be considered to be part of the house and they are no longer. Wing walls are attached to the footing, thus eliminating them from exceptions in setbacks and are a part of the concrete portion around the house.

- d) Signs, if permitted by applicable sign regulations;

Omitted by the Commission with minimal discussion.

- e) Bay windows, architectural design embellishments, and cantilevered floor areas of dwellings that do not project more than two feet into the required setback;

John Staton stated that cantilevered floor areas are usually in the bathroom to give more room to the tub area and in the dining room giving more room around a table. Mike Machart and Les Langston stated that people can have bay windows and cantilevered floor areas, but they should not be in the 12.5 ft. setback. Don Berntsen stated that he does not have a problem with bay windows, but is not in favor of cantilevered floor areas. Keith Tjaden stated that it is hard to find a house plan without cantilevers. After additional discussion it was decided that (e) would be approved by adding **and extend no more than 6 feet in width.**

- f) Eaves that do not project more than **2 ½ feet** into the required setbacks;

After changing the language **from 2 ½ feet to 2 feet** (f) was approved by the Commission.

- g) Open outside stairways, decks, entrance hoods, terraces, canopies and balconies that do not project more than five feet into a required front or rear setback nor more than two feet in a required side setback;

The Commission discussed that they wanted no exceptions in the front setback. After a brief discussion the Commission accepted (g) with **front or removed.**

- h) Chimneys, flues and ventilating ducts that do not project more than two feet into a required setback and when placed so as not to obstruct light and ventilation;

Approved by the Commission with minimal discussion.

- i) Open, unenclosed porches and carports that do not project more than eight feet into a required front setback nor more than five feet into a required rear setback;

Don Berntsen stated that he is absolutely against anything in the 25 ft. front setback. George Rudy stated that he does not think that anyone even pays attention to the small items that are in the setback and why is there such a discussion. After a brief discussion the Commission decided to remove **eight feet into a required front setback nor more than.**

- j) Utility lines, wires and associated structures, such as power poles;

Approved by the Commission with minimal discussion.

- k) Window wells not over 8” above grade may project a maximum of 44” including all structural elements;

After a brief discussion the Commission approved (k) with no changes.

- k) Condensing units may be placed in setbacks

Approved by the Commission with minimal discussion

The Planning Commission approved the above exceptions in yard setbacks and would schedule a Public Hearing on October 2, 2007 at 7:00 p.m. in City Hall.

3. Other Matters or Concerns

City Attorney Amerine stated that she has been requested by the Council to take a look at the parking ordinance. The Council wants quicker enforcement for removal of trailers. There has been a recurring problem with trailers being moved for a short time and then put back in the same place. Amerine stated that she has spoke with Sergeant Gearhardt that there might be a conflict between the Parking Ordinance and the STO. Amerine stated that she would have more next meeting.

4. Adjournment

With there being no further business to come before the Commission, George Rudy made a motion to adjourn the meeting. The motion was seconded by Ryan Shackelford 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 September 4th Planning Commission meeting.

Given under my hand and official seal of the City of Clearwater, this 2nd day of October 2007.

Cheryl S. Wright, City Clerk

CLEARWATER PLANNING COMMISSION

Features allowed within setbacks. The following structures and features may be located within required setbacks:

- a) Trees, shrubbery or other features of natural growth;
- b) Fences or walls that do not exceed six feet in height as measured on the side of the fence with the least vertical exposure above finished grade;
- c) Driveways, patios and sidewalks;
- d) Bay windows, architectural design embellishments, and cantilevered floor areas of dwellings that do not project more than two feet into the required setback and extend no more than 6 feet in width;
- e) Eaves that do not project more than 2 feet into the required setback;
- f) Open outside stairways, decks, entrance hoods, terraces, canopies and balconies that do not project more than five feet into the rear setback nor more than two feet in a required side setback;
- g) Chimneys, flues and ventilating ducts that do not project more than two feet into a required setback and when placed so as not to obstruct light and ventilation;
- h) Open, unenclosed porches and carports that do not project more than five feet into a required rear setback;
- i) Utility lines, wires and associated structures, such as power poles;
- j) Window wells not over 8" above grade may project a maximum of 44" including all structural elements;
- k) Condensing units may be placed in setbacks;