

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

PLANNING COMMISSION MINUTES

DECEMBER 2, 2008

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, Planning Commission was held on Tuesday, December 2, 2008 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, Ryan Shackelford, Les Langston, and Mike Machart. George Rudy and Don Berntsen were absent. The following City staff members were present: Kent Brown, City Administrator, Cheryl Wright, City Clerk, and Janet Amerine, City Attorney.

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1. Approval of Minutes of the Meeting of November 4, 2008

MOTION: The motion to approve the minutes was made by Mike Machart seconded by Ryan Shackelford and passed unanimously.

2. Special Use Permit Gannaway Property 149 N. Grant

City Administrator Brown stated that the Special Use Permit is a follow-up of the rezoning of the property at 149 N. Grant from R-1 to R-L. The hearing for the Special Use Permit could not come before the Board of Zoning Appeals until after the Council approved the change of zoning. The Board will be reviewing Article 9 R-L District Section 10 "The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals, and under such conditions as the Board may impose." (a) "Raising and care of livestock for show and pleasure". David Gannaway stated the area has rather turned into the neighborhood petting zoo as he currently has 3 goats, 5 chickens, 2 ducks, 2 mules, 3 horses, and 2 rabbits on the 4.8 acres at 149 N. Grant. Gannaway stated that he would like flexibility on the number of animals as the type and number of animals could be different at different times. The Board discussed that there is not a definition of livestock in the Zoning Ordinance, but discussed that horses, goats, and sheep are livestock, while chickens, ducks and rabbits are not defined in the number of livestock. City Administrator Brown stated the Council would probably sometime in the future have the Planning Commission define animal units and how many are allowed in the City. Lonnie Stieben stated that the property at 149 N. Grant is in the flood plain and there is no possibility of houses being built on the property. Gannaway stated he has a tractor with a front loader and the manure is put in a trash dumpster and hauled off the property every Monday. City Attorney Amerine suggested that Gannaway tell the Board the maximum number of

livestock he is requesting to be allowed on the property. Gannaway stated there is really not enough room to support more than 7 large animal units such as horses, goats, or cows. Gannaway stated that 5 goats/sheep are equal to 1 horse unit. Gannaway stated he would like to have in the use permit the Right to Cure in case there would be a disgruntled neighbor. The Board discussed that the Special Use Permit would be issued to the current property owner and is not transferable if the property should be sold. The Board continued to discuss various aspects of the property, the number of animal units, and the length of time for review. Gannaway requested the permit be issued in perpetuity. City Attorney Amerine suggested to the Board that would not be in the best interest of the City.

MOTION: Mike Machart made a motion to issue a Special Use Permit issued to the property owners of record at 149 N. Grant allowing livestock to be kept not for commercial use; livestock shall be properly sheltered and proper sanitation shall be maintained at all times; and livestock cages or pens shall not be closer than fifty (50) feet to any residence. The Use Permit allows seven (7) livestock units with a limit of five (5) goats and or sheep with review of the permit every three years and notice of violation having a thirty (30) day right to cure. Les Langston seconded the motion.

Mike Gannaway questioned the Council decision to review the permit every three years. Gannaway requested a longer review time. After a brief discussion, Mike Machart stated three years was just a hypothetical number when he made the motion.

MOTION: Mike Machart made a motion to amend the previous motion from review of the permit every three years to review every thirty years. Ryan Shackelford seconded the motion and it passed on a roll call vote of 4 to 0.

3. Parking Ordinance Review

City Administrator Brown suggested tabling the review of the parking ordinance due to information received on how vehicles are tagged. Brown stated there will probably be a complete rewrite of the ordinance after the Police Department and legal review the current information.

4. Adjournment

With there being no further business to come before the Commission, Ryan Shackelford made a motion to adjourn the meeting. The motion was seconded by Mike Machart 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 2nd Planning Commission meeting.

Given under my hand and official seal of the City of Clearwater, this 6th day of January 2009.

Cheryl Wright, City Clerk