

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

PLANNING COMMISSION MINUTES

September 21, 2010

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, Planning Commission was held on Tuesday, September 21, 2010 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, Mike Machart, Mike Cass, and George Rudy. Ryan Shackelford and Billy Lane were absent. The following City staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; and Janet Amerine, City Attorney, Others present at the meeting: Rodney Collins, Cindy Hutchinson, Reid Williams, Channing & Shawna Hinkle citizens.

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1. **Approval of Minutes of the Meeting of August 12, 2010**

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

2. **Public Hearing Zoning Change from R-1 to R-2 and Variance in the Front Yard of Zero Feet for the Property at 146 S. Grain**

At 7:05 p.m. Lonnie Stieben opened the Public Hearing for a zoning change at 146 S. Grain. City Administrator Brown stated that when the city was surveyed and the zoning map was created the property had a single owner, which lived in the large house and it was zoned single family residential (R-1). The property has changed owners and the large house has been made into two (2) apartments. The request tonight is to convert the flower shop to a residence. Now there would be three (3) residences on the property thus the request to zone from R-1 to R-2 (two and three family dwellings). Brown continued to state that the owners of the property are planning to remodel the former flower shop using the front façade and extending it to the north and to the east. Reid Williams stated that the property is cleaned up and looks better than it has for years.

Cindy Hutchinson stated that the plan is to use the current facade and extend it to the north 6 feet, the wall on the west and south will remain and the east wall will become an interior wall. Currently there is no running water or sewer to the building. City Administrator Brown distributed photographs of the property showing the location of the various buildings on the property. The Commission briefly discussed that there are seven lots involved in the rezoning and the publication was for only lot 104, which is the lot that

the old flower shop is located. At 7:25 Lonnie Stieben closed the Public Hearing.

MOTION: Mike Machart made a motion to approve the zoning change on lot 104 Grain Ave. Hammers Addition from R-1 (single family residential) to R-2 (two and three family dwellings). The motion was seconded and passed with a roll call vote of 4 – 0.

City Administrator Brown stated that it is unknown for sure where the property line is on south Grain Ave. There has not been a survey of the property. Public Works Director Ernie Misak and Planning Commissioner Mike Machart have measured the street from the middle of the alley. Machart stated that he spoke with the neighbor on the north and he had his property surveyed and has a pin where his property line should be. Machart also checked out the house on the southwest corner and there is a piece of limestone that is supposed to be the original benchmark for that part of the City. Brown stated that this is in the older part of the City and the street right-of-way is 80 feet. Brown explained how he and Public Works Director Ernie Misak measured the area and presented pictures showing various parts of the measurement and determined that the flower shop is not in the right-of-way; however, to know for sure there would have to be a survey of the property. Mike Machart stated that he is sure the building has no footing and per the building code any structure over 400 square feet has to have a footing. Also, in the building code if the exterior walls are altered more than 50 percent then the building has to be torn down and brought back to code. Lonnie Stieben stated that this has no bearing on the variance, but it will apply when getting the building permit. Cindy Hutchinson stated that staff advised her that she had to leave 50% of the building standing. Since the building is not in the right-of-way she would like to demolish the flower shop and start over. Without the variance the only way to build on the property would be to move the Morton building

A. Uniqueness (that the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner of the applicant:

Approved, by consensus of the Commission the property is in the old part of town

B. Adjacent Property (“that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents”)

Approved, by consensus of the Commission granting the variance does not affect what the neighboring property owners currently enjoy and none of the current property owners are against the variance

C. Hardship (“that the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application”)

Approved, by consensus of the Commission if the variance is not approved the owners would have to tear down the Morton building that is in good shape in order to build on the property.

D. Public Interest (“that the variance desired will not adversely affect the public health, safety, morals, order. Convenience, prosperity, or general welfare”)

Approved, by consensus of the Commission the road has an 80-foot right-of-way and it will never be a main arterial road

E. General Spirit/Intent (that granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations”)

Approved, by consensus of the Commission applicant requested variance so the property can be brought up to standards

MOTION: Mike Machart made a motion to approve the variance as all five statutory conditions have been met and request that the building be no further west than the current façade, the property owner get a corner survey of the property, and that there will be no encroachment from the street easement. George Rudy seconded the motion and it approved with a roll call vote of 4 to 0.

3. **Home Occupation**

City Clerk Wright stated that Shawna Hinkle at 139 N. Gorin is requesting approval of a Home Occupation. Shawna Hinkle stated that she wants to sell cookies and sweet goods out of her home. City Administrator Brown reviewed the surrounding property and there is Southern Kansas Telephone, a dentist office, hair parlor, and behind the property at 139 N. Gorin is a storage unit. Lonnie Stieben reviewed that some of the conditions of a Home Occupation are residential character of the property is met, will not infringe on the neighboring properties, will not create excess traffic, and there shall be on file in the office of the City Clerk a consent agreement from 75% of the adjoining property owners.

MOTION: Mike Cass made a motion to approve a Special Use Permit for a Home Occupation at 139 N. Gorin. Mike Machart seconded the motion and it passed unanimously.

Shawna presented the Commission a variety of cookies.

4. **Other Matters and Concerns**

City Administrator Brown stated that REAP (Regional Economic Area Partnership)

which involved 8 counties around Wichita has asked for regional priorities in order to help KDOT (Kansas Department of Transportation) decide on funding of six hundred million dollars for the south central part of Kansas. Each member community is request to prioritize the top tier listing of projects listed in their county along with a brief justification of why it is important. Brown reviewed the information provided by REAP. Brown explained that the projects in Sedgwick County are the I-235 Kellogg interchange, 1-235 expansion Kellogg to the Zoo, and Broadway and I-35, I-235, & K-254, northwest bypass connecting Maize to Goddard, Kellogg & Washington interchange expansion, and Kellogg expansion on the west side of Wichita. After a short review of the projects the Commission would support I-235 & Kellogg interchange project.

5. **Adjournment**

With there being no further business to come before the Commission, Mike Cass made a motion to adjourn the meeting. The motion was seconded by George Rudy 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 21, 2010 Planning Commission meeting.

Given under my hand and official seal of the City of Clearwater, this 2nd day of November 2010.

Cheryl Wright, City Clerk