

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

PLANNING COMMISSION MEETING

MINUTES

DECEMBER 6, 2011

(Approved 2-07-12)

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, Planning Commission was held on Tuesday, December 6, 2011, at 7:00 p.m., in the Clearwater City Council Chamber, City Hall, 129 E. Ross Avenue, Clearwater, Kansas.

The following members were present: Lonnie Stieben, Billy Lane, Mike Cass, Mike Machart, Shawna Perry, and Ryan Shackelford. George Rudy was absent. The following City staff members were present: Kent Brown, City Administrator; Liza Donabauer, City Clerk, and City Attorney, Janet Amerine.

1. Approval of the Minutes of the Regular Meeting of November 1, 2011

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

2. Discuss Wording for Zoning Amendment RE: Shipping Containers, Trailers, Semi-Trailers, And Other Similar Storage Boxes Utilized As Accessory Structures In Residential Areas.

City Administrator Kent Brown distributed a memo dated December 1, 2011 regarding the history of the discussion of the proposed change in the zoning ordinance on shipping containers. City Attorney Janet Amerine noted that there was no public comment at the 9-06-11 Public Hearing regarding this issue. She commented that there is a gap in the current zoning ordinance.

Within his memo, Brown provided two examples of ordinances from Hiawatha and Topeka. Each example includes a definition of a shipping or cargo container. The Hiawatha ordinance also defines "temporary basis" as no more than two weeks. It outlaws any shipping container to be used for permanent placement. The Hiawatha ordinance does not allow for the placement of a cargo container in the front, side, or rear of a residential property. They are allowed on a commercial property. Amerine stated that the example from Topeka also defines M1 and M1a as manufactured homes.

Ryan Shackelford asked whether Clearwater's current ordinance defines a time period. Brown stated no. Stieben stated that he does not think two weeks is enough time to rebuild a garage if destroyed. Shackelford asked whether the City could defer to alternate ruling in the case of a natural disaster or emergency. City Attorney Amerine referred to the City of Greensburg during the aftermath of their tornado. The League of

Kansas Municipalities stepped in with a team of lawyers and quickly suspended parts of the city's zoning ordinances. New ordinances and laws were created to reflect Greensburg situation. She stated that it is impossible to create ordinances and resolutions to cover potential future risks. Fortunately, the City belongs to a larger organization that would assist Clearwater in an event of a natural disaster.

Discussion continued about the appropriate length of time to use a temporary cargo container.

Mike Cass reminded the Commission that this entire discussion came about because the City did not want to shipping boxes and containers to be used as sheds or structures. Stieben commented that there must be some structural integrity to a storage container. Lane asked whether a building permit would be required in altering a cargo container. City Administrator Brown stated that a building permit is not required for structures less than 200' square feet. Brown stated that this subject touches on two different parts of the code: building and zoning. The ordinance from Hiawatha refers to its building code.

Shackelford stated that he felt comfortable with storage or cargo containers being used in a commercial area, but not in a residential area. Shawna Perry stated that she is in favor of a 30-day rule if the Planning Commission were to consider the use of a cargo container on a temporary basis in a residential area.

The Commission agreed that they liked the definition used in the Topeka ordinance. City Attorney Amerine stated that she too is in favor of the Topeka definition for a cargo container. Billy Lane asked what a citizen would have to do if they were to decide they would like to make a cargo container as a permanent structure. Brown stated that the citizen would have to apply for a variance (a special use permit). Stieben stated that this may discourage a lot of people from pursuing this. Amerine noted that the cost to apply for a variance would be \$125. An application for a special use permit would also undergo a public hearing.

The Planning Commission, with consensus, determined that the definition of a shipping and cargo container, for the purpose of the proposed ordinance, should read as follows:

“Cargo Container. Any portable, weather-resistant receptacle, container or other structure that is designed or used for the storage or shipment of household goods, commodities, building materials, furniture, or merchandise. A cargo container is typically rented for temporary use, and is delivered and removed from the property via truck.”

Then the Planning Commission agreed on the following zoning regulations for the use of a cargo container:

“Commercial/Industrial Zones: Cargo Containers may only be placed permanently in areas zoned Commercial or Industrial but must meet all guidelines for accessory structures. Permanent placement of Cargo containers is prohibited in any front or side yard.

Residential Zones: Cargo containers may be placed in areas zoned Residential on a temporary basis only but not for more than 30 days. Cargo containers placed for temporary use may be located at the front of any property but may not be

placed on the street or be placed in such a way as to restrict the line of sight of any vehicle(s) entering in any direction on that street.”

MOTION: Billy Lane moved to recommend approval to the City Council of the proposed ordinance language regarding cargo containers as discussed. Ryan Shackelford seconded the motion. The motion passed unanimously.

3. **Adjournment**

MOTION: 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 Mike Machart. The motion passed unanimously.

CERTIFICATE

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

I, Liza Donabauer, 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, 2011 Planning Commission meeting.

Given under my hand and official seal of the City of Clearwater, this 7th day of February, 2012.

Liza Donabauer, City Clerk