

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

PLANNING COMMISSION MINUTES

January 4, 2011

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, Planning Commission was held on Tuesday, January 4 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 Cass, Mike Machart, George Rudy, and Ryan Shackelford. Billy Lane was absent. The following City staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; and Janet Amerine, City Attorney, Also attending, Phil Meyer Baughman & Company and John Riggs City Planner with Riggs and Associates, and Justin Casner, resident.

1. Approval of Minutes of the Meeting of December 7, 2010

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

2. Home Occupation Justin Casner

City Clerk Wright stated that Justin Casner is planning to have a web site for sale of firearms and shooting supplies. Wright stated that she spoke with Chief Garcia and he stated the ATF would do all of the background checks. Casner stated that he will have a website and a shopping cart and in addition he will be touring gun shows. There will be no sales from his home. City Administrator Brown reviewed the zoning for Home Occupation and stated that this type of business is allowed in the R-1 district. The Commission reviewed the application and noted that it is not signed by 75% of the residents within 200 feet of his home.

MOTION: Mike Cass made motion to approve the application with the understanding that Casner will get the signatures of the immediate neighbors on all four sides of his home. Ryan Shackelford seconded the motion and it passed unanimously.

3. Discussion on Options for Dugan Property

City Administrator Brown stated that there are 3 options proposed for the Dugan property. The first option is the restrictive covenant that was proposed by the property owner

and would require another public hearing to change the property from R-1 to light industrial. The second option is a modified zone – creating a modified light industrial zone and would require a public hearing to change the zoning ordinance. The Council would have to approve the zoning change and then there would have to be another public hearing to change the property to the new zone. The third option is a protective overlay of the property. Brown stated that a protective overlay works similar to a flood plain. Brown reviewed an example from Wichita-Sedgwick for a Protective Overlay District and it would require a public hearing. John Riggs stated that the first thing the Planning Commission should do is take a look at the Comprehensive Plan and the future land use. It is of utmost importance that any decisions on zoning be tied to the land use map that comes from long range planning. The City can leave themselves wide open for litigation if they make a decision that does not follow the land use map. If the Planning Commission decides that the area north of the City would better serve Clearwater as industrial instead of residential then the land use map would need to be changed and a public hearing is required. Riggs continued to state that the State of Kansas requires a review of the Comprehensive Plan once a year and send a report to the Governing Body. Brown reviewed the current land use map that shows along 135th there is an area of commercial and behind that is residential with a flood plain noted. The Commission discussed the problem and expense of getting sewer across the road and railroad tracks for the property in question. Riggs reminded the Commission that a developer has to pay for any improvements to his property including the sewer. Riggs stated that the Commission would be wise to keep the process as clean as possible. Consider to change the plan first and then the use and the zone and if a special overlay is still needed it would work. Riggs stated that covenants is not a bad way to go, while the City does not enforce them directly there is a stake in them, if the property owner is not abiding by the covenants a lawsuit can be brought. Phil Meyer stated that he does not disagree with anything that has been said tonight. Mr. Dugan does not want to pressure the Planning Commission and would go ahead with the commercial plat and wait on the rest of the property. Lonnie Stieben stated that the City appreciates Mr. Dugan's interest in the community. City Administrator Brown stated that he received a letter from the neighboring property owner and allowed the Planning Commission members time to read the letter. George Rudy stated he agrees that the Planning Commission should take time for review and let Phil Mayer continue the platting process for the commercial portion of the property. Riggs stated that the commercial portion of the property is not in contradiction to the Comprehensive Plan. When reviewing the land use map it should be very specific where roads are located. There is no right or wrong decision just a judgment call. The decision made now will affect the City for many years down the road.

MOTION: George Rudy made a motion to review the future land use plan in the Comprehensive Plan and hold the Public Hearing. Ryan Shackelford seconded the motion and it passed 5 – 0 on a roll call.

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 Mike Cass 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 January 4, 2011 Planning Commission meeting.

Given under my hand and official seal of the City of Clearwater, this 1st day of February 2011.

Cheryl Wright, City Clerk