

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

PLANNING COMMISSION MINUTES

May 3, 2011

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, Planning Commission was held on Tuesday, May 3 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: Mike Cass, Mike Machart, and George Rudy and Ryan Shackelford. Lonnie Stieben 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.

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1. Approval of Minutes of the Meeting of April 5, 2011

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

2. Review Corner Survey of Property on S. Grain

City Administrator Brown reviewed that in September 2010 Mike Machart motioned to approve a variance on the property at 146 S. Grain. All five statutory conditions were met. The Commission requested that the building be no further west than the current facade, and the property owner get a corner survey of the property, and that there will be no encroachment on the street easement. David Hutchinson stated that he hired Armstrong Land Survey, P.A. to survey to corners and is presenting their finding. The Commission reviewed the survey and discussed that the new building cannot be any further west than the current facade.

MOTION: George Rudy made motion to approve construction on the property at 146 S. Grain. Ryan Shackelford seconded the motion and it passed unanimously.

3. Review Language of Accessory Structures in Zoning and Set Date for Public Hearing

City Administrator Brown stated that there have been inquiries concerning using metal shipping containers or pods for storage in back yards. Brown stated that it is implied in the zoning code that accessory building have to be a built structure, but there is nothing specifically stated. Brown spoke with John Riggs, Planner and he suggested adding the following to the zoning code. **“Large shipping containers, portable storage units,**

trailers, semi-trailers, and other similar storage boxes shall not be utilized as accessory structures in any residential district or upon any lot that contains a residential use.”

City Clerk Wright stated that storage units that are under 200 square feet and do not require a building permit are called portable storage units. George Rudy stated there should be a size of the storage unit notated in the zoning ordinance. Ryan Shackelford stated that he has seen the pods or shipping containers turn into a place of residence. Mike Cass and Mike Machart stated they have no problem with the shipping containers or pods in backyards as long as there is a roof put on them. City Attorney Amerine stated that she has a problem with the wording “portable storage units” in that it is too broad and suggests eliminating portable storage units from the change to the zoning code. The Commission continued to discuss backyard storage units. The suggested new wording is **“shipping containers, trailers, semi-trailers, and other similar storage boxes shall not be utilized as accessory structures in any residential district or upon any lot that contains a residential district or upon any lot that contains a residential use.”** Brown suggested that the Commission set the zoning change for hearing and then the Commission can discuss this further.

MOTION: George Rudy made a motion to set a public hearing to change the zoning code concerning shipping containers and pods. Ryan Shackelford seconded the motion and it passed unanimously.

4. **Other Matters and Concerns**

City Clerk Wright reported that Mike Machart and Lonnie Stieben terms are up May 2011. Mike Machart agreed to serve on the Planning Commission for an additional three years. Mike Cass reported that a tree limb at the corner of Kansas and Prospect is hanging over the street and is dangerous.

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 April 5, 2011 Planning Commission meeting.

Given under my hand and official seal of the City of Clearwater, this 5th day of July 2011.

Cheryl Wright, City Clerk