

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

PLANNING COMMISSION MEETING

MINUTES

SEPTEMBER 6, 2011

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, Planning Commission was held on Tuesday, September 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; and Liza Donabauer, City Clerk. The following individuals also attended the meeting: Dave and Melanie Beck, Don and Jamie Winter, Ron Fleming, Martin Seiter, Rob Hartman, Ed Mikesell, Ron Shannon, and Randall Johnson.

A roll call was conducted by the City Clerk with the purpose of establishing quorum.

1. Approval of the Minutes of the Regular Meeting of August 2, 2011

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

2. Public Hearing on Shipping Containers, Trailers, Semi-Trailers, and Similar Storage Boxes Shall Not Be Utilized as Accessory Structures In Any Residential District

Kent Brown, City Administrator, stated that that the Planning Commission requested staff bring back a recommended change to the City's Zoning Ordinance at Article XXVII Section 3. A Notice of Public Hearing was sent to the newspaper in preparation for tonight's meeting. Staff has developed the following: "Shipping containers, trailers, semi-trailers, and other similar storage boxes shall not be utilized as accessory structures in any residential district or upon any to that contains a residential district or upon any lot that contains a residential use". Lonnie Stieben stated that he would propose that the Planning Commission consider allowing temporary storage units in an event of an emergency, such as a tornado.

Lonnie Stieben then opened the Public Hearing for public comment at 7:05 p.m. No member of the public came forward to provide comment. Stieben then closed the Public Hearing at 7:06 p.m.

MOTION: Mike Machart moved to table the item until later in the meeting for further discussion. The motion was seconded by Ryan Shackelford. The motion passed unanimously.

3. **Public Hearing for Zoning Request by Duckhorn Properties**

Lonnie Stieben opened the Public Hearing for the zoning request by Duckhorn Properties at 7:06 p.m. Rob Hartman, PEC, described the present use of the property owned by Duckhorn Properties as approximately 40 acres (Parcels A, B, C, and D) of agricultural property located north of Ross Avenue and east of 4th Avenue. Mark Cox, who currently owns Parcel D, would trade for Parcel C to expand the existing senior living complex. Parcel D is proposed to change from R-3 (Multiple-Family Dwelling District) to C-2 (General Commercial District). Duckhorn proposes to occupy Parcel D with a medical office or rehabilitative center. Parcel B is currently zoned A-L (Agricultural District) and is approximately 29.7 acres. Duckhorn is requesting a zoning change to R-2 to build two-family housing.

Dave Beck, 13324 W. 103rd St. S., asked how his land value and property taxes would be affected if the surrounding property was changed to commercial zoning. He also asked how soon the construction would start. Kent Brown, City Administrator, clarified that Beck's property would not change to commercial zoning unless he requested the change and went through the same process that Duckhorn is going through. Brown informed Beck that commercial property is taxed on 30% of its assessed property value. Residential, in contrast, is taxed at 11.5% of the property's assessed value. Brown stated that Beck's future property value would be an unknown factor at this time. He stated that it would be hard to determine whether Beck's property would be positively or negatively affected by Duckhorn's proposed zoning change.

Kent Brown, City Administrator, explained that sewer would have to be brought in. The location of the sewer placement has not been determined.

Ron Fleming, 820 E. Ross Avenue, stated that his biggest concern is that although he wants the City to have commercial development, he does not necessarily want it located next to residential. He is concerned about noise and does not think that screening is effective. Randy Johnson, 158 N. 4th Ave, stated that he owns the property north of Casey's General Store. The wind blows Casey's trash onto his property. He stated that Duckhorn's proposed development is a large complex. He asked whether there would be a manager living on the premises. He asked if there has been any consideration on how persons who need temporary housing would impact the City's tax base. He stated that renters do not have a vested interest in the city. Lonnie Stieben stated that the City has a Comprehensive Plan that addresses future land use. Johnson stated that it is his opinion that the development would create a densely populated area. His concern is regarding the noise level of the additional pets, children, and vehicle traffic. He stated that upon development of the Duckhorn property, residents living along 4th Avenue will have noise along the front and back of their property. He asked whether Duckhorn has considered building a stylish wall to block noise.

Ed Mikesell, Duckhorn Properties, introduced himself to the Planning Commission. He stated that in preparation and research of this project, he heard from residents that there is a need for growth and quality built homes within Clearwater. He stated that the intent for Parcel D is to provide a medical or rehabilitative center which will expand the senior community. He stated that he is a partner in building quality duplexes at two other locations

in Wichita. He stated that the model of duplexes that are proposed for this development would mirror the duplexes they are building in Wichita which have landscaped yards and are a more expensive rental product. The proposed model for Clearwater is 1,031 square feet and would cost \$200,000 to build. The duplexes would have double garages and basements. Based on his research and the historic growth within Clearwater, he has determined that there is a need for 19 additional rental doors within City boundaries. There are a lot of single family lots available in Clearwater; however, due to the economic changes, it is more difficult for people to secure financing to build. He explained that Duckhorn would phase out the building and development of this concept. They propose to build four duplexes (eight doors) in the northeast corner of the property. The success of the initial project would be a determining factor on whether they would continue to build additional complexes and streets. There is hope that this development would attract higher quality retail, commercial, or restaurants to the area. The master plan includes two lakes for retention and increased drainage.

Billy Lane asked what the anticipated time frame of the construction would be. Ed Mikesell stated that there is a national company that is interested in partnering on the project. If the partnership occurs, the construction would begin as soon as the approval process from the City was fulfilled. Lonnie Stieben asked what Mark Cox's intent was in expanding the senior living apartments. City Administrator Kent Brown stated that Cox has always intended to build a second set of buildings. The senior apartments are full or near full-rental capacity. Mark Cox would look to build additional senior complexes that have garages. They are more successfully rented than those that do not have garages. The senior living complexes are approximately 850 square feet. This type of subsidized housing is rented based on age and income level. Ed Mikesell clarified that the Duckhorn's duplex buildings are non-subsidized living units. They are for profit. Initially, the four buildings would be professionally managed by Duckhorn.

Ron Shannon, 304 N. 4th, asked whether there are any two-story buildings in the proposed development. Ed Mikesell stated no. Kent Brown, City Administrator, explained that Shannon's property may adjoin with the senior apartments. Ryan Shackelford asked if there were any statistics on the number of seniors that had to seek housing in other communities because they can no longer take care of their property. Brown stated that a few people contact the City each year to inquire on other housing options such as patio homes, apartments, or duplexes. These people are looking for something smaller that they do not have to take care of the exterior. Ed Mikesell stated that he read that 15% of the doors within seven miles of Clearwater are rental properties.

Lonnie Stieben referred to pages 39-40 in the City's Comprehensive Plan which discusses the Planning Commission's duty to continually review the housing demand and provide choices in housing stock to meet the changing needs of its community. He also reviewed the number of units needed to meet future growth. In the City's comprehensive plan, it was identified that in 2003, there were 18 duplex units out of 807 total housing units located in Clearwater. The plan identified that by 2025 there would be a need for 54 duplex units out of 1,495 total housing units.

Ron Fleming, 820 E. Ross, asked what the plan is for the large vacant land behind his and Beck's property. Rob Hartman, PEC, stated that in his industry, they are seeing a large increase in senior housing. There is a huge market for assisted living or retirement

communities. A citizen asked if a street would be constructed through the entire development. Ed Mikesell explained that initially, a road would be built from the north side of the development from Janet. The remainder of the streets within the development would not be built until Duckhorn is able to determine the success of the initial phase of the project. City Administrator Brown explained that streets are the most expensive portion of any project. The City's preference would be for Duckhorn to build the minimum amount of streets. More streets puts the City into more debt as special assessments. A resident stated that it would be her hope that Wood would not be further expanded.

Randy Johnson, 158 N. 4th, asked what the dimensions would be of the screening wall around the project. Brown stated that the City Ordinance dictates the minimum requirements for the height, width, and materials of the architectural screen. However, additional requirements could be recommended at the time of the plat review. Martin Seiler, 252 N. 4th, asked when the architectural screen would be constructed. Rob Hartman, PEC, explained that the architectural screen is typically built when construction begins on the portion of properties affected.

Ron Fleming, 820 E. Ross, asked how the residents would receive notice about future action regarding this proposed development. City Administrator Brown stated that this is the only Public Hearing regarding this zoning request. Tonight's recommendations will be brought to the City Council on 9-13-11 unless there are some conditions included in the Planning Commissioner's recommendation which would delay it until the 9-27-11 Meeting.

A citizen noted that there is congestion in the morning and mid afternoon due to school traffic and the four-way stop at Ross and 4th Ave. The development may be affected by the school congestion. Kent Brown reviewed the long term transportation plan for arterial and collector streets in that part of the City.

Lonnie Stieben closed the Public Hearing at 8:16 p.m. After a brief discussion, the Planning Commission decided to take separate action on each of the four parcels. The first motion applies to the 29.7660 acre parcel (Parcel B) which is intended for 2-3 family structures.

MOTION: Billy Lane made a motion to recommend approval of changing the zoning of Parcel B from A-L (Agricultural) to R-2 (Two and Three-Family Dwelling District). Ryan Shackelford seconded the motion. On a roll call vote of 6-0, the motion passed unanimously.

Upon determination of voting on Parcel C, Rob Hartman (PEC) stated that this parcel is part of the land trade with Mark Cox to expand the senior living complex.

MOTION: Ryan Shackelford made a motion to recommend approval of changing the zoning of Parcel C from A-L (Agricultural) to R-3 (Multiple Family Dwelling). Mike Cass seconded the motion. On a roll call vote of 6-0, the motion passed unanimously.

The Planning Commission decided to vote on Parcel D, a 1.3 acre parcel.

MOTION: Mike Cass made a motion to recommend approval of changing the zoning of Parcel D from R-3 (Multiple-Family Dwelling) to C-2 (General Commercial). Mike Machart seconded the motion. On a roll call vote of 6-0, the motion passed unanimously.

MOTION: Mike Machart made a motion to recommend changing the zoning of Parcel A from A-L (Agricultural) to C-2 (General Commercial). Ryan Shackelford seconded the motion. On a roll call vote, the motion passed unanimously.

Lonnie Stieben stated that in considering this and other development, the City has to choose whether to grow, raise taxes, or stop offering services. Ryan Shackelford stated that development will be slow. Development is not a fast process.

Kent Brown, City Administrator, stated that the preliminary plat of this project would be scheduled for the next Planning Commission Meeting. It is a critical part of the process which would review drainage easements, transportation issues, etc. The final plat review is a separate process which divides the property. The final plat is not as crucial as the preliminary plat review. Brown stated that a notice would have to be published for the preliminary plat review.

Mike Cass and Mike Machart both stated that they would not be able to attend the 10-04-11 Planning Commission Meeting. After discussion, the Planning Commission agreed to change the next Planning Commission Meeting date from 10-04-11 to 10-18-11 to review the preliminary plat and hold the public hearing.

4. Return to Agenda Item #2; Discussion on Storage Containers

Discussion returned to the earlier tabled agenda item regarding the language review of the zoning code pertaining to accessory structures (metal shipping containers). Shawna Perry stated that there should be exceptions in allowing use of these types of accessory structures. City Administrator Kent Brown stated that if the Planning Commission cannot give a definite answer on whether to approve the proposed language, it may be in their best interest to table the topic for a future meeting. Ryan Shackelford stated that there should be an allowance to use these types of storage in cases such as fire, tornado, or other emergency situations. Lonnie Stieben stated that the metal shipping containers are used in moving (i.e. Pods). Stieben suggested that the Planning Commission look to see how other cities handle these accessory structures.

5. Public Hearing For Sign Variance Request By South Central Kansas Education Service Center

City Administrator Kent Brown stated that South Central Kansas Education Service Center (SCKESC) has requested a zoning variance on its signage. The current zoning is R-1 (single family dwelling) and they technically cannot have a commercial sign in a residential zoning district. The property is used for educational purposes and professional

development. Their service offerings have become more extensive and they are proposing a change in their signage on their building and in front of the property. Brown stated that the Planning Commission could consider a zoning change. However, if the zoning were changed to C-2 General Commercial and the Service Center would move, an entire list of uses allowed in C-2 could be a cause for concern for the neighboring residential properties. Lonnie Stieben asked whether the railroad would also have to approve the signage. Brown stated that the Planning Commission could make this a part of their recommendation. He clarified that SCKESC has contacted the railroad regarding the right-of-way. Brown explained that as part of the Planning Commission's decision making process, they will have to consider five statutory conditions. To approve a variance request, the variance has to be unique, cannot adversely affect the rights of adjacent property owners or residents, produces hardship to the owner if not approved, will not affect public interest in a negative manner, and will not oppose the general spirit/intent of the zoning regulations. The Planning Commission was in consensus in stating that this request is unique in that the SCKESC has a commercial purpose within its current residential zoned setting. There is no lighting on the signage so it would not affect adjacent neighbors. Administrator Brown stated that he has not heard any objections from the church across the street. Because of SCKESC's location on Diagonal Road the lack of proper signage creates a hardship to its service efforts. The City Hall fields questions from citizens who are seeking directions to the Service Center. Better signage would serve public interest.

MOTION: Based on a consensus from the Planning Commission supporting each of the five statutory conditions of the request, Mike Machart made a motion to recommend approval of the zoning variance request at 13939 Diagonal Road (South Central Kansas Education Service Center). Ryan Shackelford seconded the motion. The motion passed unanimously.

6. **Review Comprehensive Plan and Associated Measures**

Lonnie Stieben recommended tabling the discussion of the Comprehensive Plan changes to the next meeting.

7. **Other Matters or Concerns**

The next Planning Commission Meeting date will be on Tuesday, October 18, 2011.

8. **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 Billy Lane and 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 September 6, 2011 Planning Commission meeting.

Given under my hand and official seal of the City of Clearwater, this 6th day of September, 2011.

Liza Donabauer, City Clerk