

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

PLANNING COMMISSION MEETING

MINUTES

DECEMBER 13, 2012

(Approved 2-05-13)

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, Planning Commission was held on Thursday, December 13, 2012, at 7:00 p.m., in the Clearwater City Council Chamber, City Hall, 129 E. Ross Avenue, Clearwater, Kansas.

The following members were present: Mike Cass, Mike Machart, Ryan Shackelford, and Scott Howell. The following members were absent: George Rudy, Shawna Perry, and Dick Croft. The following City staff members were present: Kent Brown, City Administrator; Liza Donabauer, City Clerk; and Janet Amerine, City Attorney.

1. Approval of the Minutes of the Regular Meeting of November 6, 2012

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

2. Public Hearing for a Zoning Variance Request by Dollar General to Build One Parking Space per 300 Square Feet

Ryan Shackelford opened the public hearing at 7:08 p.m. City Administrator Kent Brown stated that the public hearing was advertised in The Times-Sentinel and on Channel 2. City Attorney Janet Amerine noted that no one from the public or from Dollar General is in attendance for the hearing. Brown stated that according to the City's zoning ordinance, one parking space is required per 200 square feet of gross building area. Based on a building of 9,100 square feet, it would require 46 parking spaces. The 7,195 square feet of retail space alone would require 36 parking spaces. Staff received a letter from Gresham Smith and Partners on behalf of the Dollar General that states they are only in need of a maximum of 24 parking spaces.

Brown stated that he received a letter from Planning Commission Member Dick Croft. Croft states in his letter that the letter from Gresham Smith and Partners "is overwhelmingly convincing for a unanimous approval" of the zoning variance request. "My opinion is to approve this zoning variance request. The requesting parties obviously know what they need and we should do what we can to accommodate this project as well as others aspiring to help Clearwater grow and prosper. My opinion is based on pertinent information provided and without the benefit of a public hearing."

Planning Commission Member Mike Cass asked if the Commission should revisit the ordinance. He also questioned whether the ordinance should be left as-is and which would require builder to file variances, if needed. City Attorney Janet Amerine stated that

she hears Cass's question about revisiting this topic in a future meeting. She stated that she could not think of a retail store that would require as much parking as is stated in the ordinance.

Ryan Shackelford closed the public hearing at 7:13 p.m.

3. Address Zoning Variance Request

The Planning Commission began discussions on the five statutory conditions. Ryan Shackelford stated that according to the current code, the City's ordinance would require 46 parking spaces. According to existing research results, the Dollar General would only require 30 parking spaces for its 9,100 square foot building.

A. Uniqueness

City Attorney Janet Amerine stated that the developer bought this piece of property and it was already platted. Brown stated that the pond to the east and the drainage ditch on the west makes it difficult to accommodate the required parking spaces.

MOTION: Mike Machart made a motion to recommend supporting the uniqueness of the project. Scott Howell seconded the motion. The motion carried unanimously.

B. Adjacent Property

Planning Commission Member Ryan Shackelford stated that requiring the developer to abide by the city ordinance would negatively affect the adjacent property if the City would require 46 parking spaces. The only entrance to the retail store is off Ross Avenue. The headlights shining into the residential homes would be a problem.

MOTION: Mike Cass made a motion to recommend supporting the adjacent property. Mike Machart seconded the motion. Motion carried.

C. Hardship

City Administrator Kent Brown stated that the number of required spaces would not fit on the property. The development could not be built as intended if the City required the developer to meet the parking requirements.

MOTION: Scott Howell made a motion to recommend supporting the hardship of the project. The motion was seconded by Mike Cass and carried unanimously.

D. Public Interest

Planning Commission Member Mike Cass noted that the parking would face Ross Avenue and the commercial district. City Administrator Kent Brown stated that there would be less run-off with fewer parking spaces. He also stated that no members of the public have presented any concern with the request.

MOTION: Mike Cass made a motion to recommend supporting the public interest of

the project. Scott Howell seconded the motion. Motion carried.

E. **General Spirit/Intent**

City Administrator Kent Brown stated that the City went through the process to notify the public. Staff stated that they did not receive a response to the variance request from the general public.

MOTION: Mike Machart made a motion to recommend supporting the general spirit/intent of the project. Mike Cass seconded the motion and the motion carried.

City Administrator Kent Brown stated that the zoning variance was granted due to board action.

3. Other Matters or Concerns

Kent Brown, City Administrator, stated that the next Planning Commission Meeting is scheduled for New Year's Day. He stated that staff would like to provide a workshop about their role as a planning commission member and review information regarding zoning ordinances and the comprehensive plan. He suggested moving the meeting to late January or February since the next meeting is scheduled on a holiday.

City Attorney Janet Amerine asked the Planning Commission Members to think of goals, or issues, or items to address as policy in the new year. She suggested that the Planning Commission make it a goal to look at the comprehensive plan and adjust at least two sections of it. She informed the Commission that there is an annual report that the Planning Commission provides to the City Council.

4. Adjournment

MOTION: With there being no further business to come before the Commission, Scott Howell made a motion to adjourn the meeting. The motion was seconded by Mike Cass passed unanimously.

The meeting adjourned at 7:42 p.m.

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 13, 2012 Planning Commission meeting.

Given under my hand and official seal of the City of Clearwater, this 5th day of February 2013.

Liza Donabauer, City Clerk