

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

PLANNING COMMISSION MINUTES

OCTOBER 6, 2009

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, Planning Commission was held on Tuesday, October 6, 2009 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, George Rudy, Don Berntsen, Mike Machart, and Ryan Shackelford. Les Langston was absent. The following City staff members were present: Kent Brown, City Administrator, Cheryl Wright, City Clerk, and Janet Amerine, City Attorney. Also attending were JoAnne Dyar, Casey's Retail Corporation; Ruth Glen, Glen Beagley, Jared & Chrissy Stubby, Jim Frischenmeyer, Dan Pulliam, and Randall Johnson citizens; and Jennifer Arnold, Clearwater Chamber of Commerce.

1. Approval of Minutes of the Meeting of September 1, 2009

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

2. Public Hearing Zoning Change from R-1 to C-2 Casey's Retail Corporation

At 7:02 p.m. Lonnie Stieben opened the Public Hearing for the zoning change. City Administrator Brown stated that the City received an application for a change of zoning for the property located at 152 N. Fourth, just north of Walt's which is at the corner of Fourth & Ross. Brown explained that C-2 is General Commercial and R-1 is Single Family Residential. The property at 152 N. Fourth is currently a residential house. Casey's Retail Corporation is interested in purchasing the property and building a convenience store. Brown continued to review all of the residential and commercial zones. The application is from the property owners Jared and Chrissy Stubby and Casey's Retail Corporation. Brown reviewed the process that after the application is received the Notice of Public Hearing is published at least 20 days prior to the meeting of the Planning Commission. The Planning Commission hears public comments and then provides a recommendation to the City Council to either approve or not approve the application for the zoning change. There is a 14-day protest where residents if they disagree with the Planning Commission can require the Council to have 4 of the 5 members to vote in favor instead of the normal 3 of 5 members. If the Council approves the zoning change then they do so by ordinance to change the zoning map.

JoAnne Dyar, Casey's Retail Corporation in Ankeny, Iowa stated that she is speaking in favor of the rezoning. Casey's looked at this property previously and for some reason did not continue the process; however, now they are very excited about putting a convenience store in Clearwater. Clearwater is a small clean town that is growing, with a low crime rate. The store planned is a new design that will be a little larger than the store in Oxford and Kingman. City Administrator Brown questioned the plan for screening. Dyar stated the plan is for a six-foot fence on the north side. Lonnie Stieben questioned if the 15-foot drainage pipe is adequate. Brown discussed drainage, but had no real answer on the size of the drainage pipe. Dyar stated that the plan is to put the store to the back of the property so there would be room in case Fourth Avenue is ever widened. Jared & Chrissy Stubby stated that they bought the property with big hopes and over the years they have found out fixing up an old house is very time consuming and expensive. Stubby stated that he did not seek out Casey's they came to him with the proposal. JoAnne Dyar stated that once final approval is given on the zoning change Casey's would begin the building permit process, when that is complete then the property would be turned over to Casey's, then the Stubby's would have adequate time to move. The building process once Casey's has the land should be only 3 to 4 months.

City Clerk Wright read a note from the resident at 153 N. Fourth that was not able to attend the meeting and that resident is against the building of anything at the intersection of Fourth & Ross because of all the traffic. Dan Pulliam stated that his mother lives at 153 N. Fourth and she wanted him to come tonight and express her concern for the children walking across such a busy street. Pulliam stated that the area has always been a residential area and how would other people feel if this was put in their back yard. Ruth Glen stated that she lives across Ross from where the proposed Casey's would be located. Glen is in opposition because the corner of Fourth & Ross is a mess as this is the intersection that is used to get to all of the schools. Glen Beagley, 204 N. Fourth stated that Fourth Avenue is basically a commercial street once Mize and the Post Office moved to Fourth. Beagley stated that it is a very busy street, but the City has to grow and he is in favor of the zoning change. Randall Johnson owner of the property to the north stated he has many memories of the working farm of his grandfather and is also aware of the condition of the house and how very difficult and expensive it is to keep up. Johnson stated he is in favor of the zoning change, but his concern is how busy the street is and the children running across the street to get a pop from Casey's. There will have to be a pedestrian crosswalk or something for traffic control. Johnson stated he is also concerned about screening so he will not have trash all over his property. Dyar reviewed the plans for screening with Johnson. Jennifer Arnold, Clearwater Chamber of Commerce addressed the Planning Commission to encourage them to approve the zoning change from R-1 to C-2. Arnold stated that when the house was originally built it was probably in a very rural area. Now it is just natural for business to want to locate on north Fourth. The majority of the traffic comes and leaves Clearwater to the north. Stieben stated Clearwater is a nice small community that is in one of the employment areas, but it is beginning to change slightly from rural to a suburban community. City Administrator Brown stated that because of the 14-day protest period the Council would consider the

ordinance on October 27th. Stieben asked if anyone would like to speak again.

At 7:48 p.m. Lonnie Stieben closed the public hearing.

Mike Machart questioned the drainage issue and his concern about water problems the south of the property. City Attorney Amerine stated that the hearing tonight is for a zoning change and drainage would be addressed at the later date. It is the responsibility of the property owner to make sure the drainage after construction is the same as it is now.

MOTION: Mike Machart made a motion to recommend to the Council to change the zoning on the property at 152 N. Fourth from Residential Single Family (R-1) to General Commercial (C-2). George Rudy seconded the motion and it passed 5 to 0 on a roll call vote.

Lonnie Stieben suggested that a member of the Planning Commission advise the Council of the concerns about the high traffic area and the safety of children walking. City Clerk Wright suggested the Planning Commission request that the Council look at safety, drainage, and screening issues during the discussion on the ordinance. The Commission continued to discuss the intersection of Fourth & Ross and pedestrian traffic.

3. 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 Ryan Shackelford 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 October 6 Planning Commission meeting.

Given under my hand and official seal of the City of Clearwater, this 3rd day of November, 2009.

Cheryl Wright, City Clerk