

**CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS**

**PLANNING COMMISSION MEETING**

**MINUTES**

**APRIL 2, 2013**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, Planning Commission was held on Tuesday, April 2, 2013, 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, Scott Howell, Dick Croft, and Shawna Perry. The following members were absent: Ryan Shackelford and George Rudy. The following City staff members were present: Kent Brown, City Administrator; Liza Donabauer, City Clerk; and Janet Amerine, City Attorney.

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Liza Donabauer, City Clerk, stated that the public hearing that was discussed at the 3-05-13 meeting has been advertised in The Times-Sentinel and is scheduled for the 5-07-13 Planning Commission Meeting.

**1. Approval of the Minutes of the Regular Meeting of March 5, 2013**

**MOTION:** The motion to approve the 3-05-13 minutes was made by Shawna Perry and seconded by Mike Cass. The motion passed unanimously.

**2. Workshop: Going Back to the Basics, Part III**

Kent Brown, City Administrator, distributed the next series of handouts from *The Planning Commission Workshop Series* to the Planning Commission members. The articles discuss “the official map” of the city, extraterritorial control, large-scale development, preservation of park and recreation space and public hearings. He stated that the group has discussed the three tools at previous meetings: zoning regulations, comprehensive plan, and the subdivision regulations. The zoning district map shows where each parcel of property within the city and how it is assigned with a zone. The planning commission and the city council adopt the map. The map is just as important as the three tools.

Brown discussed how manufactured homes are an overlay on the official map. John Riggs, City Planner, has strictly crafted a regulation regarding the regulation of manufactured homes in the R-1 zone. City Attorney Janet Amerine stated that trailer homes are allowed and regulated in certain areas of the city. There is a federal law regarding manufactured homes. The regulations discuss the pitch of the roof, the framing and siding materials, foundation, etc. Single-family dwellings and manufactured homes are allowed in the R-1 zone.

City Administrator Kent Brown discussed how if there is a lot of development, the planning commission can get involved in a capital improvement program. Extraterritorial

control pertains to a three-mile area of influence, which allows the city to provide input on county property. Brown described the three-mile area of influence as extending to 71<sup>st</sup> Street South, east of 87<sup>th</sup> Street West (on the east), almost to 199<sup>th</sup> Street West (on the west) and south to the county line. Since Clearwater is in a metropolitan area, the authority is within the jurisdiction of the Metropolitan Area Planning Commission. Instead of extraterritorial jurisdictional authority, the City has an area of influence because of its location in Sedgwick County.

The Planning Commission typically has a few zoning public hearings each year. There are requirements for notice, protest periods, etc. Brown read, "In all cases, it should be remembered that the hearing has one purpose and one purpose only. It is to permit the public to express its views in an orderly and constructive fashion." "A secondary, but extremely important consideration at the hearing preparation stage is that of Planning Commission internal preparation." Brown stated that planning commission members will often drive by a property that will be discussed during a public hearing. The members are doing their research to see how the property currently sits and how it will relate to the surrounding neighborhood. "The chair of the meeting should provide a clear and concise summary statement about the purpose for the hearing, rules of conduct, and the procedures for public participation". Brown stated that often times the board will make a determination the same evening of the hearing. However, the planning commission can come to a decision at a future meeting. The Planning Commission should not feel pressured to make an immediate decision. The Planning Commission can recess but has to announce when they will meet again to make their decision. Once the public hearing is closed, the planning commission can start their discussion. Staff can be consulted for clarification; however, the public should not be allowed to add comments once the hearing has been closed.

City Administrator Kent Brown read from the article, "...the Planning Commission is not legally bound to abide by the majority opinion expressed at the meeting." Brown stated that the planning commission does not have to agree with what is said at a public hearing. They need to determine what is best for the entire community and make their decision accordingly.

Brown described that a public hearing allows a citizen to come to the podium, state their name and address, and address the planning commission. A time limit should be set. Those that are for the proposal typically speak first, allowing time afterward for those that are against the proposal. City Attorney Janet Amerine stated that sometimes a case can go to court. Litigation can occur due to planning activity. The courts want to see the meeting minutes. They typically like to see verbatim, not summary minutes. Amerine explained the importance of following statutory procedures. Cases can be turned over if a planning commission is not following the rules.

Brown stated that the planning commission is allowed to ask questions during a public hearing. Brown cautioned the planning commission from meeting or discussing the case with each other prior to the meeting. Amerine stated that the City Administrator or the Clerk can report that a citizen has called in a comment. Shawna Perry asked if the public hearing still has to be opened and closed even if no members of the public appear. Brown stated yes. The rules still must be followed.

### 3. **Begin Inventory Housing Stock**

Mike Machart stated that each planning commission member will be assigned a portion of the town. Each member will look at each house and take an inventory of how the exterior of a property appears.

Kent Brown, City Administrator, explained that there are three categories:

A: Acceptable little or no maintenance required

B: Getting worse, loose siding/window, roofs/doors need repair

C: Needs help

This exercise is strictly rating the exterior of the building; not the appearance of the property (excess of bikes, garbage, unmowed weeds, etc).

City Administrator Kent Brown explained that a “C” rating would signify a property should be torn down if nothing is done to the property. This process gives the planning commission an opportunity to make recommendations to the City Council. City Attorney Amerine stated that this is a rare opportunity for the entire community to be surveyed. She noted that if the members notice properties that contain excess trash or unmowed weeds, they could create a separate notice to be forwarded to the City’s nuisance officer. Shawna Perry noted that she likes this process as it is sad to see other small communities that are falling apart. She noted that it is her opinion that Clearwater is more clean and upscale than other communities.

SW corner of town (Tracy and Ross): Dick Croft

From 1<sup>st</sup> Ave. to Lee Ave (south of Ross): Mike Cass

From 1<sup>st</sup> Ave S. to 4<sup>th</sup> Ave. (south of Ross): Mike Machart

West of Tracy (north side of Ross): Shawna Perry

From Lee Ave. to 1<sup>st</sup> Ave. (north of Tracy): Scott Howell

Elaine and Hellar (north of 4<sup>th</sup>): Scott Howell

Rolling Hills, Janet & Wood: George Rudy

New areas of town: Ryan Shackelford

The Planning Commission determined the May meeting as a deadline to submit ratings. The final tally will be presented at the June Planning Commission Meeting. The properties are to be graded/rated from the street. City Attorney Janet Amerine noted that she would not recommend the members trespassing on citizen properties.

### 3. **Other Matters or Concerns**

No other matters or concerns were discussed.

### 4. **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 Dick Croft passed unanimously.

The meeting adjourned at 8:12 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 April 2, 2013 Planning Commission meeting.

Given under my hand and official seal of the City of Clearwater, this 7th day of May, 2013.

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Liza Donabauer, City Clerk