

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

PLANNING COMMISSION MEETING

MINUTES

FEBRUARY 5, 2013

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, Planning Commission was held on Tuesday, February 5, 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, George Rudy, and Dick Croft. The following members were absent: Ryan Shackelford, Scott Howell, and Shawna Perry. The following City staff members were present: Kent Brown, City Administrator; and Liza Donabauer, City Clerk.

1. Approval of the Minutes of the Regular Meeting of December 13, 2012

MOTION: The motion to approve the 12-13-12 minutes was made by Mike Cass and seconded by George Rudy. The motion passed unanimously.

2. Workshop

A) Roles & Responsibilities of Board Members

Kent Brown reviewed the items on the literature titled “Planning Commission Member Roles: A Checklist”. He explained that each member should have a copy of the Comprehensive Plan, Subdivision Regulations, and the Zoning Ordinance. He gave a brief explanation of each of the zones within the City. He explained that each zone has permitted uses, building height, parking regulations, etc. A citizen or a builder/developer would have to come before the Planning Commission to request a variance if they want something different from what is defined within the zoning regulations. The interested party has to complete a variance request form and pay a \$125 fee, which covers the cost of publishing the public hearing request in the City’s designated newspaper. The general public is then notified of the request for a zoning variance. During a variance request, five statutory conditions are required to be met in order for it to be approved. This process provides a structured procedure for hearings.

He explained that the City Council has the discretion to determine whether it wants to accept the Planning Commission’s recommendation regarding everything except variance requests. Items such as change of zoning plat approvals and changes in the comprehensive plan, zoning ordinance, subdivision regulations are sent with a recommendation for approval or disapproval to the City Council. Mike Cass asked if the Planning Commission has a final say on granting variance requests. Brown stated yes. If the Council would disagree with the Planning Commission’s decision, they would have to appeal it at the district court level.

City Administrator Kent Brown explained that each Planning Commission Member should have received a copy of the bylaws. The bylaws discuss the duties of the Commission. The bylaws also state that the Planning Commission Members are unpaid positions. The bylaws state, ‘The membership shall consists of not less than seven nor more than fifteen members of which two members shall reside outside of the city, but within the area of influence of the corporate limits of the city, but the remaining members shall be residents residing within the corporate limits of such city.’ Brown explained that the area of influence includes a three-mile area outside of the immediate city limits.

The bylaws also describe meeting procedures. The members are not supposed to discuss a case outside of the meeting. ‘The Members are supposed to base their decision solely on the facts presented as evidence before the Commission.’ The Planning Commission acts as an advisory board. Their recommendation is forwarded to the Metropolitan Area of Planning Commission who can determine whether to take or disregard the Planning Commission’s recommendation for cases that involve properties in the three-mile area of influence.

The bylaws state that the Planning Commission Members are expected to prepare, adopt and maintain zoning regulations for the city. The bylaws also state that the Planning Commission Members are to prepare, adopt, and maintain Subdivision Regulations for the city.

The Comprehensive Community Plan was published in 2006. Typically, the plan needs to be revised every ten years. The Comprehensive Plan looks 20-25 years into the future. However, every decade, the plan should be updated to reflect changes. The Commission is required to review the Comprehensive Plan annually to determine whether parts of it are obsolete or require amendments. The future land use plan is located within the Comprehensive Plan.

Brown distributed an article by Riggs Associates ‘‘The Planning Commission Workshop Series’’. John Riggs has assisted the Planning Commission in publishing its zoning ordinance, Subdivision Regulations and Comprehensive Plan. The article is part of John Riggs’ training for Planning Commissions.

3. Other Matters or Concerns

Kent Brown, City Administrator stated that a review would take place at the next meeting. He asked the Commission what they would like to discuss at a future meeting. Mike Machart stated that he would like the Planning Commission to review parking regulations as discussed at the 12-13-12 public hearing with Dollar General.

4. Adjournment

MOTION: 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 Dick Croft passed unanimously.

The meeting adjourned at 8:15 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 February 5, 2013 Planning Commission meeting.

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

Liza Donabauer, City Clerk