

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

PLANNING COMMISSION MEETING

MINUTES

MARCH 5, 2013
(Approved 4-02-13)

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, Planning Commission was held on Tuesday, March 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, Ryan Shackelford, Dick Croft, and Shawna Perry. The following members were absent: George Rudy, Scott Howell. 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 February 5, 2013

MOTION: The motion to approve the 2-05-13 minutes was made by Mike Machart and seconded by Mike Cass. The motion passed unanimously.

2. Workshop: Going Back to the Basics, Part II

A) Three Tools: Comprehensive Plan, Subdivision Regulations and the Zoning Ordinance

City Administrator Kent Brown explained that there are three main documents that are their tools: the subdivision regulations, and the zoning ordinance, which feeds into the comprehensive community plan. Brown explained the difference between zoning and subdivision. Zoning is the where, what and how you do it; whereas, subdivision regulations refer to the division of undeveloped parcels into developed parcels. The Subdivision Regulations control the quality of development in the division of land. It also controls how the new parcel will connect with current utilities and where the utilities will be located in the new parcel. The regulations refer to accesses for a new parcel and the location of vehicle and pedestrian traffic ways throughout the new subdivision.

Per the *Planning Commission Workshop Series* literature, the zoning ordinance “is essentially a means by which the community may exercise police power to regulate the use of land within its planning and zoning jurisdiction”. Zoning Regulations consist of two parts: Map (legal document) and written text. The planning commission and city council approve both. Each time a change is made to the map and book, the change is noted. The planning commission and city council approve the revised zoning district map. The cost to change the zoning map is a few hundred dollars. A hearing is then required when changes are made to the map.

City Administrator Kent Brown explained that zoning regulations are usually designated to use, height, and area provisions. The Planning Commission does this. For instance, there is a two story limit (35' height limit) due to fire equipment. Another regulation is that the accessory building cannot be taller than the main structure.

City Attorney Amerine stated that the idea of zoning comes from the state legislature. The state legislature passed laws telling each city what they have to do. If a city has zoning, they must have a comprehensive plan. This is how the city gets the power to do zoning.

City Attorney Amerine stated that the planning commission has been asked to provide recommendations on a parking ordinance and an animal control ordinance. Neither topic is part of the zoning ordinance process. However, the home rule power of local governments (police power) allows the discretion of the local government to make choices to make the community safe and healthy. The Kansas constitution allows these types of ordinances due to home rule.

City Administrator Brown stated that the "subdivision regulations may include, but are not be limited to, provisions for the 1) Efficient and orderly location of streets 2) reduction of vehicular congestion 3) reservation or dedication of land for open spaces 4) off site and on site public improvements 5) recreational facilities which may include, but are not limited to, the dedication of land area for park purposes 6) flood protection 7) building lines 8) compatibility of design, and 9) any other services, facilities, and improvements deemed appropriate." Each of these categories have been discussed or completed due to the recent developments that have been completed in the city (i.e. Indian lakes, Dugan, Chisholm Ridge).

City Administrator Brown stated that the Zoning Ordinance "may include, but not be limited to, provisions restricting the regulation the height, number of stories, and size of building; the percentage of each lot that may be occupied; the size of yards, courts, and other open spaces, the density of population, the location, use and appearance of buildings, structures and land for residential, commercial, industrial, and other purposes, ...". Zoning is the "specifics" for each individual parcel. The zoning restrictions are why property owners/developers have to ask to bend the rules. There is a process in place to assist people to ask permission to bend the zoning rules.

3. Review Article XXIII Parking and Loading Regulations

City Administrator Kent Brown stated that this discussion began when the Planning Commission reviewed the variance request by Dollar General, which is located in the C-2 zone. He clarified that C-1 is in the downtown area and has shared parking. However, tonight's discussion is in regard to C-2.

City Administrator Kent Brown explained that the Dollar General had a 9,100 square foot building. For retail establishments, it is one parking space per 200 square feet of gross floor area. This would equate to 46 parking spaces before the variance was requested. Mike Machart stated that he doubts Clearwater would ever have a retail establishment that would require this amount of parking (as designated in the regulations). They asked if this regulation included gas stations, which do seem to need more parking spaces at certain times throughout the day. Machart asked if the planning commission has to make

determinations on each of the individual structure and their uses.

City Attorney Janet Amerine stated that Casey's would be defined as a service establishment. Amerine suggested adding another category/structure and use for convenience stores. Brown stated that the zoning ordinance does not provide a definition for a convenience store. City Attorney Amerine stated the definition of a convenience store would include mixed uses: food, dining in, carry out, retail, and gas.

Machart asked if they could change the required parking space for the retail sales establishments. Mike Cass suggested keeping one space per 300 square feet. If the developer wants more, then it would behoove them to increase the number of parking spaces. The board discussed wanting to promote business while providing a certain controlled appearance in the city.

Brown stated that staff would create a proposed ordinance for the Commission's review at their next meeting. The Planning Commission will then make a recommendation and forward to the City Council for their approval. The group referenced convenience stores in the area.

Brown looked at the plans for Casey's and determined there are 23 spaces which include eight spaces at the gas pumps and one handicapped spot. The building is 3,950 square feet. It appears that designating one parking space per 200 square feet for Casey's works.

Amerine and Brown established that a service establishment would be like dry-cleaners, auto body, and hair and nail salons.

Brown asked if the members wanted to use capacity or square feet as a measure for determining parking spaces for convenience stores. Croft stated both would be good and they could default to the larger number. Shackelford stated that the parking arrangement of an establishment could control or eliminate the future life of the building and space. Shackelford stated that he would be in favor of changing the retail establishment to one parking space per 300 square feet, and one for 200 square feet for convenience store while adding a definition for convenience store. An ordinance will be presented at the next meeting to reflect the changes.

Brown explained that there needs to be a public hearing for an amendment to a zoning ordinance. This is to inform the public that the Planning Commission is looking to change the zoning rules. Following the hearing, the Planning Commission will make its recommendation to the City Council. The Planning Commission can make changes during the public hearing prior to the ordinance going before the Council. The public hearing is an information gathering session. The next meeting is on 4-02-13.

4. Other Matters or Concerns

Kent Brown, City Administrator, stated that there was nothing else to report.

5. Adjournment

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

The meeting adjourned at 8:23 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 March 5, 2013 Planning Commission meeting.

Given under my hand and official seal of the City of Clearwater, this 2nd day of April 2013.

Liza Donabauer, City Clerk