

**CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS
PLANNING COMMISSION MEETING
MINUTES**

Tuesday, April 1, 2014

(Approved 6-3-2014)

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, Planning Commission was held on Tuesday, April 1, 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, Shawna Perry and Ryan Shackelford by telephone. George Rudy, Scott Howell, Dick Croft were absent. The following City staff members were present: Kent Brown, City Administrator; Barbara Salinas, City Clerk; and Janet Amerine, City Attorney. Others present were Chris Griffin and Mark & Megan Stevens.

At 7:00 pm, there was not a quorum present. City Attorney Amerine recommended that we contact Chairman Shackelford via telephone to constitute a quorum. This would allow the Commission to convene and take action.

At 7:22 p.m., Chairman Shackelford was present via telephone and the meeting was called to order.

Commissioner Mike Machart made a motion to recess until Monday, April 7, at 7:00 p.m. The motion was seconded by Commissioner Mike Cass. The motion passed unanimously, 4-0.

The meeting stands in recess until 7:00 p.m., Monday, April 7, 2014.

On Monday, April 7, 2014 at 7:00 p.m. Chairman Shackelford called the meeting to order.

The following members were present: Mike Cass, Mike Machart, Shawna Perry, George Rudy, Dick Croft, Ryan Shackelford. Scott Howell was absent. The following City staff members were present: Kent Brown, City Administrator; Carol Reitberger, Deputy City Clerk; and Janet Amerine, City Attorney. Others present were Chris Griffin and Mark Stevens.

Approval of the Minutes of the Regular Meeting of October 8, 2013

A motion was made by Commissioner Machart and seconded by Commissioner Rudy to approve the March 4, 2014 minutes. The motion passed unanimously.

Public Hearing

Public Hearing for a Zoning Variance Request by Mark Stevens to Reduce the Side Yard Setback to 4 Feet and Reduce the Front Yard Setback to 19 Feet. In Addition, the Request is to have the Buildings Cover More than the 20 Percent of the Lot at 201 S. Byers Avenue.

Chairman Ryan Shackelford opened the hearing at 7:02 p.m.

City Resident Mark Stevens stated to the Planning Commission that he would like to apply for a variance. Stevens would like to add an addition to the house in an area that would put an outside wall approximately 4 feet from the property line. Stevens would also like to add an addition to the

house which includes a living area and a garage. Stevens further stated that both proposed areas align with the current house structure which is approximately 18 feet from the north property line and approximately 19 feet from the east property line.

The hearing was closed at 7:18 p.m.

The Commission went over the 5 statutory conditions of the property.

- A. **Uniqueness** “That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner of the applicant”

The Commission discussed that the right of way is larger than usual and the house is over 100 years old. Nothing about the house or lot was changed by the property owner. (Croft, Perry, Machart, Shackelford, Cass and Rudy in favor)

- B. **Adjacent Property** “That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents”

The Commission discussed that the property is on a corner lot. The neighbor to the south could not build but the neighbor would have option to build on other side of the property or towards the back of the property. No comments were made by any neighbors to the Commission and no one present at the meeting to speak against the variance. (Croft, Perry, Shackelford, Cass, Rudy in favor and Machart against)

- C. **Hardship** “That the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.”

The Commission discussed that the property owner is using a two story addition to maximize the allotted space. If the variance is not granted, the resident will have to move to have enough space for the family. (Croft, Perry, Machart, Shackelford, Cass, Rudy all voted in favor)

- D. **Public Interest** “That the variance desired will not adversely affect the public health, safety morals, order, convenience, prosperity, or general welfare”

The Commission wants to encourage families to stay in the older part of town. There is no fire hazard to the neighbor’s home and the home will have a unique look. (Croft, Perry, Machart, Shackelford, Cass, Rudy all voted in favor)

- E. **General Spirit/Intent** “That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.”

The Commission discussed that the new addition will look like the old part of town. The home was built in 1910. It will look like residential property and fit in the neighborhood. (Croft, Perry, Machart, Shackelford, Cass, Rudy all voted in favor)

Address Zoning Variance Request

MOTION: George Rudy made a motion to recommend approval of the Variance at 201 S. Byers Avenue. The motion was seconded by Shawna Perry. The motion carried. City Attorney Janet Amerine noted that zoning variance was granted due to board action.

Follow Up from Review of Section II, Population of the Comprehensive Plan. Review Recommendations for Land Use and Housing Estimates Based on Planning Commission Revision of Population Estimates. This is in Preparation of Annual Report from the Planning Commission to the City Council that will be Completed by June 1, 2014.

Administrator Kent Brown went over a handout from the comprehensive plan for review. Brown reviewed the changes that would result in land use and housing sections based upon the 3,000 population estimate for 2025 instead of the 3,700 estimate that was used in the original comprehensive plan. Brown highlighted that the percentage increase would be only 54% of the original estimated growth for the target date of 2025. The revised estimate for additional acres for future land use during the planning period was reduced from 420 acres to 226 acres. The revised estimate on housing units was 1,242 units versus 1,533 originally. In addition, Brown stated that diversity of housing options continues to be discussed and requested from various sectors.

Chairman Shackelford stated he thinks the City needs homes or apartments to rent for families who work here in Clearwater and have to travel from Wichita.

Commissioner Perry suggested that there is a need in Clearwater for something to rent for between \$300 and \$1200 for families. The banks will not loan young people money to buy higher dollar homes.

City Attorney Amerine stated there is not a lot of a residential building permits being sold in Clearwater for residents building new homes. Amerine further stated there are 20-30 lots left in Chisholm Ridge zoned for single family homes. Amerine continued that there are 20 lots left zoned for multi-family duplex.

Chairman Shackelford also stated there is a need for housing for young people who go off to college and then want to move back to Clearwater to raise their families.

Other Matters or Concerns

After some discussion, the May meeting has been changed to May 15th at 7:00 p.m. in Clearwater City Hall due to Commissioners being on vacation and needing a quorum to finishing the Comprehensive Plan review.

Adjournment

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

The meeting adjourned at 8:15 p.m.

CERTIFICATE

State of Kansas }
County of Sedgwick }
City of Clearwater }

I, Barbara Salinas, 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 1, 2014 Planning Commission meeting.

Given under my hand and official seal of the City of Clearwater, this 15th day of May, 2014

Barbara Salinas, City Clerk

UNAPPROVED