

PLANNING COMMISSION MINUTES
February 25, 2016
6:30 p.m.

1. CALL TO ORDER & ROLL CALL

Chairman Britain called the meeting to order at 6:30pm.

Members Present

Fred Britain
Dan Bullock
David Lewis
Brad Long
Kyle McLaren
Gerald Watson

Staff Present

Jay Shivers
Scott Rickard
Kevin Wishart
Tabitha Sharp

Others Present

Judie Storandt
Peter Storandt
David Greene
Terry Smith
Steve Seymour
Mike Maloney
Vern Barker
Bob Hendricks

2. APPROVAL OF MINUTES

A motion was made by Commissioner Long to approve the minutes of the January 28th, 2016, Planning Commission meeting. The motion was seconded by Commissioner Bullock. The motion passed unanimously (6-0).

3. NEW BUSINESS

The applicant for Item 1 was late. The Planning Commission skipped to Item 2.

ITEM NO. 2 – CASE NO. 16-003-REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO REZONE LOTS 5, 6, AND 7 OF THE LEGION

SECOND ADDITION FROM R-1 LOW DENSITY RESIDENTIAL DISTRICT TO C-1 GENERAL BUSINESS DISTRICT.

A) PRESENTATION OF REQUEST

Jay Shivers made a brief presentation on the application,

B) PUBLIC HEARING

Chairman Britain opened the public hearing. Steve Seymour, commander of American Legion, spoke to the Commission next. He stated that the rezoning would be in the best interest of the City and the Legion.

Mr. Shivers also stated that the owner of the lot directly to the south of Lot 7 stopped by the office to learn more about the rezone application. After discussing the application, the owner stated that he did not object to it. Mr. Shivers also stated that he met with the management team for the Villas at BCC apartments and they also do not object to the zone change.

C) DISCUSSION BY PLANNING COMMISSIONERS

Commissioner Bullock asked if the Commission could vote on the lots separately. Mr. Shivers stated that they could.

Commissioner Watson asked if Lot 7 is between the apartments and the office or the office and the stadium. Mr. Rickard stated that it was south of the stadium parking lot and north of the apartment complex. He stated the lots were platted with the intent of changing to commercial.

Commissioner Bullock asked if the lot to the east of lot 7 is zoned residential. Mr. Rickard replied that it is but is unbuildable property due to the floodplain and easements in place. Commissioner Bullock stated that there is a sale sign on the property. Mr. Rickard replied that the sign is for the lot to the south of Lot 7 that runs along Towanda Avenue. He stated that it is owned by a different owner and was platted years ago for residential use. Commissioner Bullock stated that there's residential to the east that is not shown on the map and that he lives there. Mr. Rickard stated it was at least 300 feet to the east. Mr. Rickard also stated that the floodplain area is R-1 because annexed land is initially zoned R-1 and it was never changed.

D) MOTION

Commissioner Bullock made a motion to recommend approval of the zone change request for lot 5, seconded by Commissioner Lewis.

Roll Call Vote

Fred Britain	Y
Dan Bullock	Y
David Lewis	Y
Brad Long	Y

Kyle McLaren Y
Gerald Watson Y

The motion passed (6-0).

Commissioner Bullock made a motion to recommend approval of the zone change request for lot 6, seconded by Commissioner Long

Roll Call Vote

Fred Britain Y
Dan Bullock Y
David Lewis Y
Brad Long Y
Kyle McLaren Y
Gerald Watson Y

The motion passed (6-0).

Commissioner Bullock made a motion to recommend denial of the zone change request for lot 7. There being no second, Commissioner McLaren made a motion to recommend approval of the zone change request for lot 7, seconded by Commissioner Long.

Roll Call Vote

Fred Britain Y
Dan Bullock N
David Lewis Y
Brad Long Y
Kyle McLaren Y
Gerald Watson Y

The motion passed (5-1).

Next, the Planning Commission returned to Item 1.

ITEM NO. 1 – CASE NO. 16-002-REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO REZONE 1237 AND 1239 W. CENTRAL AVENUE FROM R-1 LOW DENSITY RESIDENTIAL DISTRICT TO C-1 GENERAL BUSINESS DISTRICT.

A) PRESENTATION OF REQUEST

Mr. Shivers made a brief presentation of the request. Mr. Shivers also passed out an email from the property owners of 1209 W. Central.

Zac Sundgren, representing the property owner, explained that the homes are in poor condition and that C-1 is consistent with the zoning along W. Central Avenue.

Commissioner Long asked if the properties are not rezoned, will they stay in their current state. Mr. Sundgren replied that they would. Commissioner Long asked about the depth of the lots. Mr. Sundgren replied that they are 200 feet deep. Commissioner Long and Commissioner Bullock commented that is abuts residential properties.

B) PUBLIC HEARING

The public hearing was opened. Judie Storandt, residing at 105 Race, spoke against the rezoning application. Mrs. Storandt noted that Central Street to the west is primarily commercial and that these properties will be commercial at some point in the future. Mrs. Storandt asked if it is premature to rezone these properties with all the vacant commercial properties from Poplar and Central to the west. She also noted that the Legion properties will add to the available commercial properties on the market. Mrs. Storandt stated that there isn't enough affordable housing in town and that these houses could possibly be renovated to meet that need. As a neighbor, she voiced concern about bright lights shining onto the property and increased noise. She also stated that she was concerned about existing traffic at the nearby intersections. She said she wants her and her neighbors to continue to enjoy their properties. Mrs. Storandt noted that there are other zoning options.

There being no one else to speak, the public hearing was closed.

C) DISCUSSION BY PLANNING COMMISSIONERS

Commissioner Watson asked if the zone change will require a buffer. Mr. Shivers replied that a transition buffer consisting of landscaping, a berm, or a fence is required where the properties abut residential.

Commissioner McLaren asked about lighting requirements. Mr. Shivers stated that the zoning ordinance does have lighting requirements to reduce the amount of light pollution near residential properties.

Commissioner Lewis asked if these lots would be redeveloped individually or together in the future. Mr. Shivers stated that the lots would be redeveloped together; individually, they are too small for the zoning requirements.

D) MOTION

Commissioner Bullock made a motion to recommend denial of the zone change request, seconded by Commissioner Long.

Roll Call Vote

Fred Britain	N
Dan Bullock	Y
David Lewis	Y
Brad Long	Y

Kyle McLaren N
Gerald Watson N

Mr. Shivers informed the Planning Commission that it was a split vote (3-3). A split vote is considered a failure to recommend and will continue to the City Commission without a recommendation.

4. OLD BUSINESS

5. STAFF ITEMS

Tabitha Sharp made a brief presentation on the Kansas Open Meetings Act. Next, Kevin Wishart provided the Commission with update on the progress of the Connect 2025 plan. Lastly, Mr. Shivers notified the Commission that department directors will be attending the next Planning Commission meeting to present the Capital Improvement Plan project for their review and recommendations.

6. ADJOURNMENT

The meeting was adjourned at 7:15pm.