

KECHI PLANNING COMMISSION & BOARD OF ZONING APPEALS

Minutes January 9, 2018

1. Call to Order

Chairman Pressnell called the regular meeting of the Kechi Planning Commission to order at 7:00pm in Council Chambers of Kechi City Hall.

2. Roll Call

Members in attendance were Buddy Pressnell, Virginia Riemann, Dan Clark, Larry Burk, and Bill Moss. Staff in attendance were Zoning Administrator Chris Morlan, City Administrator Robert Conger and Planning Commission Secretary Theresa Morlan. Guests were Will Clevenger, Jim Boone, Buck Alley, Rick Alley, Robyn and Daniel Lindberg, Rachel Lindberg, Glenn and Barbara Winter and Ted Williams.

3. Approval of Agenda

Virginia Riemann moved to approve the Agenda with correction to conditional use case being changed to CU-2018-01; Larry Burk seconded the motion. Motion passed 5-0.

4. Approval of Minutes

Bill Moss moved to accept the minutes from the December 12, 2017. Motion was seconded by Dan Clark and carried 5-0.

5. Public Forum/ Communications

None

6. Public Hearings

a. **CU-2018-01 Lindberg Accessory Dwelling in A-1 District**

Chairman Pressnell called the agenda item and read the ground rules for the public hearing. There were no abstentions and a quorum of 5 was present for the hearing. Notification of the hearing was published in the Ark Valley News on December 14, 2017, and notifications were sent to 2 owners of record of real property in the area of notification on December 12, 2017. There were no ex parte communications.

Z.A. Morlan reported on the subject property, history and condition. This request is to permit the establishment of a 48ft x 48ft garage with storage and living areas. The lot size is 9.4 acres per county records and complies with the minimum 4.5acre requirement for sewage disposal. There was no information on the structure height submitted by the applicant. The lot coverage with proposed accessory dwelling is under 11%, and the submitted site plan shows the proposed structure location exceeds all required building setbacks. One parking stall is required for an accessory dwelling and two are required for the single family residence, for a total of three. There is plenty of graveled parking area to provide the required parking spaces. No comment from the applicant on where the required parking space will be located. There is no requirement in the regulations for required visual or landscape buffers. The proposal complies with Specific Use Standard 10.37. A deed restriction will need to be filed with the County's Register of Deeds, and a recorded copy submitted to City Hall prior to the issuance of a Certificate of Occupancy. The subject property is located on the west side of Oliver St, north of 53rd St. N. The site is currently zoned A-1 Agricultural District. The parcel is not platted. County property records show the property has a 1976 single family house with 2067sqft of living space and a two car attached garage. There is a 540sqft farm utility building and a 1540sqft residential storage building. The property is in good condition for the area. The property has direct access to Oliver St. giving the site sufficient vehicular transportation access. The

proposed use would have an insignificant impact on traffic in the immediate vicinity. The site has sufficient access to utilities and is currently served by the city gas utility with trash and recycling services. Water is provided by both private well and rural water, and sewage is by lagoon, both located on the property. Electric service is provided by Westar Energy. All existing utility systems have sufficient capacity to accommodate the proposed use without impacting service to the existing house. The parking area has a gravel surface. Most of the area around the subject property is zoned A-1 Agricultural with a few R-1 Single Family Residential zonings. The area directly to the east in Bel Aire's city limits and appears to be zoned R-2 Residential 2, which is intended to provide for development of standard low-density residential developments with no district bonus densities, in areas where adequate public facilities and services exist, and residential development is appropriate given surrounding land uses and neighborhood, according to published Bel Aire zoning regulations. Z.A. Morlan recommends that the request be approved as submitted.

Applicants' Request:

Robyn Lindberg spoke for both applicants. She stated that it will be connected to rural water and didn't have any additional comments beyond Z.A. Morlan's report. There was no public comment, and the public portion of the hearing was closed at 7:18pm.

Summary of Findings:

Compatibility with Neighborhood Character: The subject property is compatible with and is of the same character as surrounding properties of larger acreages used for farming and crop production.

Consistency with Community Vision and Plans: A few of the goals and objectives of Comprehensive Plan Chapter 6: Housing are to support residential development and housing programs that provide housing options for people of all incomes, ages, and abilities including rental, ownership, size and price, and to allow a mix of housing types including smaller lots, smaller houses, duplexes, attached housing, accessory dwelling units, multi-dwelling housing, and mixed use developments. The Future Development Plan Map on page 41 of the 2040 Comprehensive Plan shows the subject property in the Primary Growth Area and the Function to be Rural. Rural is defined as "Primarily associated with crop production, livestock production, and associated activities. Single family residences are appropriate at very low densities."

Adequacy of Infrastructure & Services: The subject property is found to be adequately served by public utilities, roadways, and other needed public services to account for potential impacts resulting from the requested accessory dwelling.

Suitability of Proposed Use: The subject property is located and developed in a manner to adequately support the proposed use. Likewise, the site is suitable for all other uses allowed by-right or by conditional use within the A-1 zoning district.

Length of Time Vacant as Zoned: Not Applicable

Zoning compatibility with Surrounding Development: Most all surrounding properties are zoned A-1 with a few properties zoned R-1.

Potential Negative Impacts of Proposed Zoning: Not applicable.

Property Impacts Versus Public Benefit: The subject property is large enough to support the requested accessory dwelling with little to no impact on the overall benefit to the public.

Motion:

I, Virginia Riemann, move that the Planning Commission adopt the findings and recommendations stated in the Zoning Administrator's Report for Case # CU-2018-01 and forward a recommendation of approval to the Governing Body regarding the requested Conditional Use. Motion was seconded by Bill Moss. Motion passed by a vote of 5-0.

Chairperson Pressnell stated that the recommendation and a written summary of the Public Hearing will be considered by the Governing Body at their meeting on January 25, 2018 to be held at 7:00pm in the Council Chambers at Kechi City Hall.

b. Z-2018-01 - Alley Investments – Planned Development Overlay (PDO) in C-3 General Commercial District

Chairperson Pressnell called the item, and stated that the ground rules for public hearing remained as previously stated. There were no abstentions and a quorum of 5 was present. There were no ex parte communications. The notice for the public hearing was published in the Ark Valley News December 14, 2017, and notifications were sent to 16 owners of record of real property in the area of notification on December 12, 2017.

Z.A. Morlan reported that the City has been working with Rick and Buck Alley since March on this request. They wanted to have increased lot coverage and decreased front yard setbacks. Front yard setback is allowed to be parking. In preparing his report, he discovered an error in the new Zoning Regulations regarding front yard setbacks in the C-3 District. Although changes to the title of the district were discussed, there was never any discussion with the Planning Commission on reducing the setbacks in C-3 District. Z.A. Morlan is trying to immediately put into motion a remedy for this issue. He further stated that the P.C. needs to first approve preliminary and final plat, before approval or recommendation to City Council for the PDO.

The signatures for a few of the names on the final plats will need to be updated before filing. The drainage plans have been forwarded to the City Engineer for approval, which is the only condition that Z.A. Morlan recommends for the final plat. The PDO request is decreasing the required front yard setbacks to 25ft, and for increasing lot coverage to up to 50% on all lots except Lot 1 Block B on which the request is for increasing lot coverage to up to 60%. The new regulations do not currently allow a PDO to change the lot coverage, but a Variance could allow such a change. Because a PDO goes before both the P.C. and the City Council, whereas a Variance only goes before the Board of Zoning Appeals, Z.A. Morlan believes the Zoning Regulations should be changed to allow lot coverage to be addressed within a PDO request. There was a question on the drainage plan on a potential drainage agreement, which would be on O. Thomison, property owner to the west of the residential zoned area of the plat. There was further clarification that the new plat is for both the commercial and residential zoned lots, but the PDO is only on the commercial development. Will Clevenger, the applicants' agent, stated that the proposed plat changed the street name from Kokopelli to Venture Ct, but the drainage plan still had the current street name.

Motion:

Dan Clark moved that the Planning Commission recommend approval of the Preliminary Plat for the Kechi Business Park Addition filed as S/D-2018-01. Virginia Riemann seconded and the motion carried 5-0.

Dan Clark moved that the Planning Commission approve the Final Plat for the Kechi Business Park Additon, filed as S/D-2018-01 with the condition that the Drainage Plan be approved by the City Engineer. The motion was seconded by Larry Burk, and carried with a vote of 5-0.

Public Hearing for PDO:

Z.A. Morlan reported that the subject property is zoned as C-3 General Commercial and is currently undeveloped with a proposed use of commercial buildings for contractors, small businesses, retail, etc. Required site plan elements were included on the application and the proposal complies with

applicable lot size. The requested PDU District is for a reduced front yard setback from 50ft to 25ft, which is allowed in 06.11.B.4.D.ii (page 54). It is also requesting an increase in lot coverage from 40% to 50% on all lots but one, which is requested to be 60%, but 06.11.B.3 (page 55) does not allow for the percent of lot coverage to be increased through a PDU request. It states, "Maximum Lot Coverage: PDU zoning shall not increase lot coverage requirements above the base district maximum requirement, but the maximum coverage requirement may be decreased. Applicable off-street parking, loading and compatibility buffer requirements as well as Specific Use Standard will be determined when building permits and zoning compliance certificates are submitted for approval. The subject property was platted as Snowbird Park Addition in October 2004 as a commercial and single family residential subdivision. The commercial lots all fronted Kechi Rd., and only the southern cul-de-sac of Luni Ct. was improved with streets and utilities. It only had two homes, both built in 2008, until another one was built in 2014. Another one was built in 2016. No commercial development occurred until all undeveloped lots were sold at auction in 2014. Two commercial developments have occurred to date. The undeveloped lots that are the subject of this request were purchased in 2016 by the current owner. They were rezoned in 2016 to C-3 General Commercial for the lots except the one directly north of the Luni Ct. lots. Those were rezoned to R-2 Multiple family and are not part of the PDU request. The rest of the properties remain undeveloped. Venture Ct. is accessed from Kechi Rd., and a gate is planned on the west end if access is needed for emergency services. The area is served by water, gas, and sewer from the City of Kechi, and connection to city utilities is required by the regulations. Westar Energy provides electric service. A drainage plan has been submitted and has been forwarded to the city engineer for review and approval. The area generally drains to the east and south. In the surrounding development, there are four single family residences and two commercial buildings to the south located in this subdivision area. There are two more commercial buildings to the east in other subdivisions, but are fronted and accessed from Kechi Rd. Two single family residences and agricultural uses to the west. Rural Residential (RR) County zoning and low density residential uses to the north.

Applicants' Request: Buck Alley thanked the P.C. and Z.A. Morlan for their help and consideration. He has a similar development in Bel Aire, which has been successful for both businesses and the city. They do not intend to have anything pass that doesn't look right. They are wanting to do a good looking development. Ted Williams, owner of adjoining property, addressed the commission, stating he is in fully support of Buck's and Rick's development. Public portion of the hearing was closed at 8:12pm.

Summary of Findings:

Compatibility with Neighborhood Character: The larger lots in the Snowbird Park Addition that front Kechi Rd. are all zoned C-3. High and low density residential to the north and west. South and east are commercial uses with undeveloped areas as well.

Consistency with Community Vision and Plans: The Future Development Plan Map shows this area to be in the primary growth area, and the function is "Mixed/Transitional," which is defined as "Areas where a mix of compatible housing and small businesses are appropriate at suburban densities. This function provides a buffer between residential and commercial development." There are "Goods & Services" areas shown on the south side of Kechi Rd., which in reality has moved to the north side as well with recent development. Goods and Services is defined as "Areas appropriate for a varying intensity of commercial development, including businesses with a regional market." It further states under Land Use and Site Design, "These land uses are appropriate only in conjunction with the C-2 and C-3 zoning districts. Direct property access from arterial streets should be required, except for internal circulation within a contiguous development. City utility connections should be required for each of these land uses."

Adequacy of Infrastructure & Services: All city utilities are in place or will be provided sufficient to service possible businesses. Infrastructure will be done as bonds and assessed to each lot in the subdivision.

Suitability of Proposed Use: There are commercial developments to the east and south. The smaller lots of the proposed subject properties will lend themselves to smaller commercial buildings, providing a better transition with the residential development to the west and north.

Length of Time Vacant as Zoned: Property did not develop as residential when platted in 2004 and was rezoned to C-3 General Commercial in late 2016. The residential lots were required to be replatted for the C-3 zoning change.

Zoning compatibility with Surrounding Development: Lots to the north are zoned County RR with low density residential. To the west is R-1 Single Family Residential and A-1 Agricultural. To the south and east is C-3 General Commercial and I-1 Industrial.

Potential Negative Impacts of Proposed Zoning: The impacts of allowing a reduced front yard setback of 25ft instead of the required 35ft should have minimal negative impact to surrounding properties, nor should the increase in maximum lot coverage.

Property Impacts Versus Public Benefit: The reduced front yard setback, and requested but not allowed increased lot coverage, would provide the developer greater options for building placement and design with minimal impact to the public benefit. Getting this area developed with commercial buildings will add more to the tax base than undeveloped lots or residential homes and apartments.

Motion:

I, Virginia Riemann move that the Planning Commission adopt the findings and recommendations stated in Zoning Administrator's Report for Case # Z-2018-01 and forward to the Governing Body, a recommendation of approval and support of reduced front yard setbacks to 25 feet and increase the maximum lot coverage on all lots except Lot 1 Block B to 50%, and on Lot 1 Block B increase the maximum lot coverage to 60%. Larry Burk seconded the motion, and the motion passed by a vote of 5-0.

The case will go before the Governing Body at the January 25, 2018 meeting to be held at 7:00pm in the City Council Chambers.

7. Preliminary Plat
None

8. Final Plat
None

9. Screening Plan/Site Plan Review
None

10. Unfinished Business
None

11. New Business
None

12. Committee & Staff Reports

Z. A. Morlan reported that with the passing of the new Zoning Regulations that the Site Plan Review Committee is phased out. There was a question about the plans for the house at 708 E Kechi Rd., in which the trees and

front yard has been cleaned up. At this time, there have been no permits pulled for any remodeling. The new owner had inquired prior to purchasing the property what steps would be necessary to change it to a commercial zoning, but has made no further contact with the city on his intentions for the use of the property.

13. Adjourn

Motion by Larry Burk to adjourn at 8:29pm., second by Dan Clark. Motion passed 5-0.

Respectfully Submitted,

Buddy Pressnell, Chairperson
Kechi Planning Commission