

# KECHI PLANNING COMMISSION & BOARD OF ZONING APPEALS

## Minutes March 12, 2019

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, Larry Burk, Virginia Riemann, Bill Moss, and Oscar Thomison. Staff in attendance were Zoning Administrator Chris Morlan, City Administrator Robert Conger and Planning Commission Secretary Theresa Morlan. Guest in attendance was Mike Porter, Stor-Mor 254.
3. Approval of Agenda  
Oscar Thomison moved to approve the Agenda with changing Committee & Staff Report from October 2018 to November 2018. Larry Burk seconded the motion. Motion passed 4-0.
4. Approval of Minutes  
Oscar Thomison moved to accept the minutes from the November 13, 2018. Motion was seconded by Buddy Pressnell and carried 4-0.
5. Public Forum/ Communications  
None
6. Public Hearings  
Motion: I, Virginia Riemann, move the Planning Commission be recessed and the Board of Zoning Appeals (B.Z.A.) be convened. Second by Larry Burk. Motion carried 4-0.

### a. **BZA-V-2019-01 – P. Eden – Screening of Outdoor Storage**

Chairman Pressnell called the agenda item and read the ground rules for the public hearing. There was a quorum of 5 present for the hearing, and there were no abstentions. There were no ex parte communications. Notification of the hearing was published in the Ark Valley News on February 14, 2019, and notices were sent to 5 property owners on February 19, 2019.

Zoning Administrator (ZA) Morlan reported that this request is to not be required to screen extension of outdoor storage. This is the first time this request has been brought before the B.Z.A. for this property. The property is the west 174.7ft of Lot 3 Block B of Young Industrial Addition, 5701 E. Huffman Rd and contains 68,659sqft which is 1.58 acres. The adjacent zoning and existing land use to the north is I-1 Industrial and C-3 General Commercial with buildable lots, trucking company, K-254 Hwy, and mixed use commercial, to the south is I-1 Industrial and A-1 Agricultural with construction contractor and ranches, to the east is I-1 Industrial, C-2 Light Commercial and Residential with undeveloped industrial, commercial lots and agricultural uses, and to the west is I-1 Industrial and A-1 Agricultural with manufacturing, undeveloped industrial and agricultural uses. The property was platted as Young Industrial Subdivision in 2014 and zoned I-1 Industrial. The current owner purchased the entire subdivision in 2015 and developed Lots 1 and 2, Block B as Stor-Mor 254, an indoor and outdoor storage facility. Earlier this year, they split Lot 3. They intend to use the west 174.7 feet of that lot to expand their outdoor storage. The comprehensive update to the zoning regulations were adopted in late 2016 and now requires that outdoor storage be 90% screened. The owner is requesting to not be required to screen this extension of the existing business.

Discussion: If the property to the east is sold, the owners would need to address their screening issues independently, as this request only pertains to the expansion of the existing business, which was established prior to the adoption of the new regulations. The east lot would be establishing a new use and would need to adhere to the new regulations.

Applicant: Mike Porter, Manager of Stor-Mor 254, stated that they are expanding to the east and will tie into existing fences. The other lots have sold. Z.A. Morlan supports the existing business with the requested variance, and the owners of the eastern lot will have to request a variance separately. Mr. Porter further stated that the expansion will have 16ft light poles, additional lighting on the building and added security cameras. They will not be adding a new entrance/approach. There will be 51 new parking spots, and will use the same type of surface (crushed asphalt) as exists with current parking areas, as it drains well and is much better than gravel.

There was no public comment. There was no written communication. Both Z.A. Morlan and Secretary Morlan reported they had each received one phone call requesting clarification for the request, but no stance taken for or against. Mr. Porter stated the property to the east has sold and the new owner will develop the retention pond that was part of the drainage plan for the development of the south side of Huffman Road. American Mechanical Inc., a commercial heating and air conditioning company has purchased the property and plans to build and move their operations. The new fence will be erected to the east prior to the existing fence being removed. Mr. Porter expressed his appreciation to the City of Kechi and the Kechi Police Department for the security and attention given to the business. Z.A. Morlan added that the storage facility has been well maintained.

Public Hearing was closed at 7:25pm

Deliberations:

Variance Requirements:

1. The BZA finds that the requested variance is an authorized variance as one described under Section 15.05.C of the Zoning Regulations. 15.05.C.3 states “Variances to the dimensions of fences and other permitted obstructions in required yards.” After discussions with the city attorney, he said that all request to not meet the zoning requirements are variances by law, and while this does not specifically state screening, the 90% screening requirement could be looked at as a dimension of the fence, but recommended we clean up some of the language to make things clearer.
2. The BZA finds that the requested variance meets the standards as listed in Section 15.05.D and KSA 12-759(e).

The variance request arises from a condition that meets all of the following provisions:

  - a. Unique to the property in question. This is unique to this property as it was developed under different regulations than now exist for this expansion.
  - b. Not ordinarily found in the same zoning district. The other storage facilities in the city are not located in the I-1 district.
  - c. Not created by an action or actions of the property owner or applicant. This is a little questionable as to the request, but the existing fencing does not have any screening and would not be a desirable look to have this extension be screened.
3. Granting of the variance will not adversely affect the rights of adjacent property owners or the applicant. There would not be any negative impacts to adjacent properties.
4. Strict application of the provisions of these regulations from which a variance is requested will constitute an unnecessary hardship upon the property owner represented in the application due to the fact a much larger part of the business is not screened.

5. The variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
6. Granting the variance will not be opposed to the general spirit and intent of these regulations. While we did put in a comprehensive zoning regulation update outdoor storage needs to be screened, this extension of an existing business does not go against the intent and spirit of those regulations.

Evidence demonstrates that:

1. The hardship claimed by the applicant is an unnecessary hardship caused by physical surroundings, lot shape or topography of the subject property, rather than proposed use being inappropriate for the subject property or incompatible with its surroundings, or another mere inconvenience to the applicant. The shape or topographical features are not an issue on this request, but the physical surroundings could be viewed as the larger part of the property/business is not screened and very well kept. If this extension is required to be screened, it will be very noticeable and probably a hindrance to the existing business, which is more than a mere inconvenience.
2. The hardship claimed by the applicant is not solely economic in nature, such as an attempt to avoid expenses related to meeting the otherwise applicable provisions, or a desire to increase the applicant's profit margin for such development.
3. The requested variance will not diminish the condition or value of other properties in the vicinity; or inhibit the rights of others to use their property in a lawful manner and enjoy the benefits gained from such uses. Granting the variance would provide consistency in appearance to the existing business.
4. The requested variance will not result in an inadequate supply of light or air to adjacent property; create a substantial increase in congestion on public roadways; disproportionately impact any public utility system service or capacity; impose a flood or fire hazard; or otherwise endanger public health, safety, or welfare.

Motion by Virginia Riemann. I move that the Board of Zoning Appeals adopt the finding and recommendations stated in the Zoning Administrator's Report for Case BZA-V-2019-01. Motion seconded by Bill Moss. Motion carries 4-0.

Final Remarks: Chairman Pressnell stated the order and determinations of the BZA are not subject to appeal to the City Council. All such decisions are considered final notwithstanding the right of any aggrieved party to seek a judicial review as provided by law. Any person, official or government agency, jointly or separately, dissatisfied by any decision of the BZA may seek relief by petition to the Sedgwick County District Court within thirty (30) days of the date the final decision is filed with the Zoning Administrator.

Motion: I, Oscar Thomison, move to recess the Board of Zoning Appeals and reconvene the Planning Commission. Seconded by Larry Burk. Motion carries 4-0.

7. Preliminary Plat  
None
8. Final Plat  
None

9. Screening Plan/Site Plan Review

None

10. Unfinished Business

None

11. New Business

**Appointments for 2019** – Z.A. Morlan noted that the terms for Mr. Pressnell, Mr. Clark, Mr. Moss and Mr. Thomison expire in May and needs confirmation that they wish to be reappointed. Mr. Clark was not present but the others stated that they are interested in reappointment.

12. Committee & Staff Reports

Z.A. Morlan reported that Pinnacle Homes has begun construction on their offices on Huffman Dr, and Rick and Buck Alley have secured funding for infrastructure on Kechi Business Park. C.A. Conger added that the temp notes are set to be approved at City Council meeting on 3-14-19. Playhouse grant looks to be moving toward approval. State Chamber of Commerce has conducted there walk through, which is the final step before the approval process. We should be notified within 30-45 days. If it is not approved, we will have to reassess options.

13. Adjourn

Motion by Oscar Thomison to adjourn at 7:50pm., second by Bill Moss. Motion passed 4-0.

Respectfully Submitted,

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Buddy Pressnell, Chairperson  
Kechi Planning Commission