

KECHI PLANNING COMMISSION & BOARD OF ZONING APPEALS

Minutes April 10, 2018

1. Call to Order

Chairman Pressnell called the regular meeting of the Kechi Planning Commission to order at 7:05pm in Council Chambers of Kechi City Hall.

2. Roll Call

Members in attendance were Buddy Pressnell, Virginia Riemann, Larry Burk, Bill Moss, Richard Wolf, and Oscar Thomison. Staff in attendance were Zoning Administrator Chris Morlan, City Administrator Robert Conger and Planning Commission Secretary Theresa Morlan. Guest was Mike Statton.

3. Approval of Agenda

Virginia Riemann moved to approve the Agenda as written, and Oscar Thomison seconded the motion. Motion passed 6-0.

4. Approval of Minutes

Bill Moss moved to accept the minutes from the January 9, 2018. Motion was seconded by Oscar Thomison and carried 6-0.

5. Public Forum/ Communications

City Administrator spoke about the grant for rehabilitating the Kechi Playhouse. The Kechi Arts Council has agreed to do a fundraiser to hopefully raise \$62,500 for a matching grant that could be up to \$250,000. The City has to be the applicant for the community grant to refurbish the playhouse to make necessary repairs. It was built in 1920 and has an ongoing need to upgrade. There will be information at both the Vintage Market and Kechi Fair. The results on an inspection by a structural engineer are expected tomorrow (4-11-18). The foundation and walls appear intact as well as the façade, except on the west wall. Currently it is the longest running continual business in Kechi. If the grant goal isn't reached, there would still be matching funds in the amount of 4 times the amount raised. If the grant is not received, the two possible outcomes would be two refurbish with what is raised or demolish the building. The lot is really not large enough to utilize if for other purposes. Ranson Financial is writing the grant, which is for Main Street Business through the State. The fundraising committee will present at the City Council Meeting, Thursday, April 12. The time line for the fundraising will be May 25 through June 30. There is no time limit on the application for the grant, but usually the sooner the better.

6. Public Hearings

a. **CU-2018-02 Statton 8 foot fence in R-1 Single Family District**

Chairman Pressnell called the agenda item and read the ground rules for the public hearing. There were no abstentions and a quorum of 6 was present for the hearing. Notification of the hearing was published in the Ark Valley News on March 15, 2018, and notifications were sent to 2 owners of record of real property in the area of notification on March 13, 2018. There were no ex parte communications.

Z.A. Morlan reported on the subject property, history and condition. This request is to permit the construction of an 8 foot tall privacy fence. The site is 2.28 acres and is compliant with applicable lot size requirements. The 1 ½ story residence was built in 1953 with 2106sqft on ground floor, 3426sqft total, 4 bedrooms, 3 baths with partial basement. There are no transportation, utility or drainage impact with the proposed 8ft fence. Z.A. Morlan found that there should be no conditions applied to the request. The property is surrounded on 3 side by one property owner and on the

south/southeast by KDOT (K-254). Originally he was proposing a trex type fence and now wants to go with concrete. He is also proposing to run the fence along K-254 as well. The applicants have spoken with KDOT, and there is no issue as long as they do not remove the fencing that KDOT has in place.

Applicants' Request:

They are looking privacy and the fence should also be a buffer for noise and the highway view. He has had limited tree growth along property lines. They have an outdoor kitchen that would like to enjoy. SmithCon is the contractor, and they do a good job with a stone look. It has been approved through Sedgwick County. The neighbors are also good with it, as it will benefit them with noise reduction as well. The fence will be precast concrete panels that will then be dropped in to pillars. They will be 13ft sections, 5in thick with 24 x 24 pillars. It will be placed 12-15in from the KDOT fence. KDOT has a fiber line on the east side of their fence that they will maintain. He will not be pulling any fencing and will spray along the outside of the fence to prevent growth. There will be approximately 200ft on the northeast and 385ft on southeast. He likes the country feel and doesn't want to move, but is bothered more by the highway noise than the trains.

Summary of Findings:

Compatibility with Neighborhood Character: The proposed fence will be compatible with surrounding properties, which are mostly agricultural.

Consistency with Community Vision and Plans: Proposed use is consistent with the comprehensive plan and Kechi's overall character.

Adequacy of Infrastructure & Services: There are no infrastructure impacts with the proposed use.

Suitability of Proposed Use: Property is suitable for proposed 8 foot tall fence.

Length of Time Vacant as Zoned: Not Applicable

Zoning compatibility with Surrounding Development: Not Applicable

Potential Negative Impacts of Proposed Zoning: There are no potential negative impacts of the proposed fence on nearby properties.

Property Impacts Versus Public Benefit: The 8 foot fence is being requested to assist in providing privacy from K-254 that abuts the property.

Motion:

I, Richard Wolf, move that the Planning Commission adopt the findings and recommendations stated in the Zoning Administrator's Report for Case # CU-2018-02 and forward a recommendation of approval to the Governing Body regarding the requested Conditional Use. Motion was seconded by Virginia Riemann. Motion passed by a vote of 6-0.

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 April 26, 2018 to be held at 7:00pm in the Council Chambers at Kechi City Hall.

7. Preliminary Plat
None
8. Final Plat
None
9. Screening Plan/Site Plan Review
None

10. Unfinished Business

None

11. New Business

Z.A Morlan submitted a list of proposed changes to the Zoning Regulations.

1. Article 3 (page 9) - Add definition for “Porch – a covered area adjoining an entrance to a building and usually having a separate roof.” Addresses a recent situation.
2. 05.04 (page 41) – Consider removing from table & definition or modifying to fit most yards used for pets
“**Outdoor Kennel Run of Play Yard:** A Fenced or enclosed outdoor area accessory to a separate primary use, which provides space for animal exercise and play. A run is typically attached to an indoor space housing an individual animal, whereas a play yard is typically unattached and encloses an area large enough for multiple animals.” Under the previous regulations, 5 or more dogs older than 6 months was considered a kennel. Need to address incidental use versus secondary use.
3. Was disregarded.
4. 06.09.D.2.a. (page 52) - Change Front Yard Setback to 35 feet for C-3 District.
5. 06.11.B.5 (page 55) – Change to “maximum Lot Coverage: PDO zoning may increase or decrease maximum requirement.”
6. 07.02.C.2 & .3 (page 57) – Remove “not allowing storage of non-operational motor vehicles and storage of recreational vehicles, boats or utility trailers on approved parking spaces.” Zoning doesn’t address non-operational in driveways, that would be addressed by Code Enforcement. Add language to prohibit vehicles parked in road right of way to prevent vision impairment.
7. 10.43 (page 104) – Consider removing entire section or modifying to fit most yards used for pets. (similar to #2 above)

We will need to go through the public hearing for changes in the regulations. It is passed the publication date for the May meeting, so it will be on the June meeting agenda.

12. Committee & Staff Reports

Although there are no items for consideration at the May meeting, appointments and officer elections will need to be done then.

The only question on the Z.A.’s report was about how long an undeveloped subdivision remains a subdivision. It is indefinite, until another plat is submitted for that property/area.

13. Adjourn

Motion by Larry Burk to adjourn at 8:10pm., second by Richard Wolf. Motion passed 6-0.

Respectfully Submitted,

Buddy Pressnell, Chairperson
Kechi Planning Commission