

## KECHI PLANNING COMMISSION & BOARD OF ZONING APPEALS

~~Minutes August 14, 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, Larry Burk, Bill Moss, Richard Wolf, Dan Clark, and Oscar Thomison (entered at 7:05pm). Staff in attendance were Zoning Administrator Chris Morlan, City Administrator Robert Conger and Planning Commission Secretary Theresa Morlan. Guests were Randy Jackson, Wilma Jackson and Eric Goering.

3. Approval of Agenda

Richard Wolf moved to approve the Agenda as written, and Larry Burk seconded the motion. Motion passed 5-0.

4. Approval of Minutes

Bill Moss moved to accept the minutes from the July 10, 2018 meeting, with the recommended with content and grammatical corrections. Motion was seconded by Richard Wolf and carried 5-0.

5. Public Forum/Communications

None

6. Public Hearings

**a. CU-2018-04 Goering – Accessory Apartment**

Chairman Pressnell called the agenda item and read the ground rules for the public hearing. There was a quorum of 6 present for the hearing, and there were no abstentions. Notification of the hearing was published in the Ark Valley News on July 19, 2018. There were no ex parte communications.

Zoning Administrator (Z.A.) Morlan reported on the subject property, history and condition, and that the property at 9955 N Hillside is zoned A-1 Agricultural. Mr. Goering is requesting to finish part of a storage building with living area. The property and all buildings are in good condition. In September 2017, a conditional use was granted to increase a storage building from 3600sqft to 7100sqft. When the building inspector was doing an inspection of this structure, he noticed that living area was being added to a portion of the structure and informed the Z.A. of the situation. Z.A. Morlan informed Mr. Goering that living area in an accessory building requires another conditional use for an accessory apartment. There would be no addition utility requirements according to the City Inspector, nor would any further easements be needed. It is considered an “accessory apartment” as the living space is only a part of the detached structure. Per Zoning Regulations, the accessory apartment can occupy space no more than 50% of the gross floor area of the primary structure. Z.A. Morlan calculated the gross floor area of the principal structure to be 5514sqft, and the finished area of the accessory apartment to be 2700sqft, which is 48.9%. He further added that the 2040 Comprehensive Plan does look for alternative dwelling options to single-family homes, which this would be. Also, Z.A. Morlan reminded the Planning Commission (P.C.) that a Deed Restriction stating that the accessory structure cannot be split off from the primary structure and sold independently must be recorded with Register of Deeds prior to an Certificate of Occupancy being

issued.

Planning Commission's Summary of Findings:

**Compatibility with Neighborhood Character:** The proposed accessory apartment will be compatible with surrounding properties.

**Consistency with community vision & plan:** Proposed use is consistent with the comprehensive plans and Kechi's overall character.

**Adequacy of Infrastructure & Services:** There are no city infrastructure impacts with the proposed use, and the Director of Public Works has determined the existing septic system is adequate for the expansion of living area.

**Suitability of Property for the Proposed Use:** Property is suitable for the proposed accessory apartment.

**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 accessory apartment on nearby properties based on its placement.

**Property Impacts Versus Public Benefit:** The proposed accessory apartment will not impact the property negatively and could provide "mother-in-law" living area or rental property if the property owner chooses to do so, which would be a public benefit and desired in the 2040 Comprehensive Plan.

Larry Burk asked if city utilities were to be available, would a separate meter be required for the accessory structure. If services were available, it would be required that the applicant would be connected, however how they are metered would be determined by the property owner and the building inspector. The case number on the area map was mislabeled as CU-2017-04 and should have been CU-2018-04.

Applicants' Request:

Mr. Goering stated that the accessory apartment would not be used as a rental under his ownership, but rather a place for the family to reside when they do renovations to the house, and then as a guest space for visiting relatives as well as storage.

Public Comment: Although there were two owners of neighboring properties in attendance, they did not wish to speak to the issue and were only present to gain insight into what was happening, and what they might have to do should they decide to do a similar project in the future. There was no written communication, and the public hearing closed at 7:21pm.

Motion:

I, Bill Moss, move that the Planning Commission agrees with the findings and recommendations stated in the Zoning Administrator's Report for Case # CU-2018-04 and forward a recommendation of approval to the Governing Body regarding the requested Conditional Use. The motion was seconded by Richard Wolf and 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 September 13, 2018 to be held at 7:00pm in the Council Chambers at Kechi City Hall.

**b. 2018 Update of Zoning Regulations**

Chairman Pressnell call the agenda item and reminded P.C. to follow the rules of conduct for public hearings. There were no abstentions, and a quorum of 6 was present. There were no ex parte communications, and the notice for the hearing was published in the Ark Valley news on July 19, 2018, which was at least 20 days advance notice as required.

Public Comments: There was no comments. Public hearing closed at 7:29pm.

Z.A. Morlan reported that item #3 did not recommend any changes to be made to the current side and rear yard setbacks for the C-3 District and they would not match those in the C-2 District, but will be and are more restrictive than in the C-2 in the regulations. Richard Wolf questioned the need and logic to add a definition for “porch.” Z.A. Morlan stated that it was added for clarification as porches are referred to in other sections of the regulations when considering what is and is not allowed in some yard setbacks.

Motion:

Having prepared recommendations for regulating the use of land, I, Richard Wolf, move that the Planning Commission, in accordance with K.S.A. 12-756 (b), shall adopt said recommendations in the form of the proposed zoning regulations considered today, and submit them to the Governing Body to be considered for adoption by ordinance. Motion was seconded by Larry Burk and passed 5 -0.

7. Preliminary Plat

None

8. Final Plat

None

9. Screening Plan/Site Plan Review

Z.A. Morlan noted that this item should be removed from future agendas, as it no longer pertains to our Zoning Regulations. We do have specific use standards, but they would be applied to the proposed required land uses and not on a building by building basis. C.A. Conger stated that we should have community standards for buildings within each district that would match the character of the neighborhood/district. These standards should be evaluated by a board of citizens, council and business owners, and must be defensible in court.

10. Unfinished Business

None

11. New Business

None

12. Committee & Staff Reports

Z.A. Morlan reported that in July, he had issued four permits: 2 pools, a wash pit and a shed. He had extended the Floodplain permit for the reconstruction of the railroad bridge north of Kechi Rd. and east of Prairie Creek. Regarding Phase 2 of the Rock Pointe plat, they are putting in water and sewer now, and there will be a pre-construction meeting next week for roads and gas. Future phases will be constructed in two separate, planned phases, and the paving on Rock Rd will be extended to the ½ mile section line. Kechi Business Park development is progressing, and Z.A. Morlan will ask the City Council to waive the fees associated with requesting that the maximum lot coverage be increased. The Alleys have paid for the gas to be put in, but have not yet petitioned for streets and other utilities. The former “Sunrise” property on the southeast corner of K-254

and Woodlawn has sold. Th city staff have had several meeting with the buyer on their possibilities of how it could be developed.

13. Adjourn

Motion by Richard Wolf to adjourn at 7:48pm., second by Dan Clark. Motion passed 6-0.

Respectfully Submitted,

Buddy Pressnell, Chairperson  
Kechi Planning Commission