

**KECHI CITY COUNCIL MEETING MINUTES**  
**November 12, 2020**

**I. CALL TO ORDER/ROLL CALL**

Mayor Speer called the meeting to order at 7:00pm

**Council present:** Brian Adams, Betty Washington, Matt Brewer, Richard Haddock, and Margaret McCormick joined by Zoom at 7:22pm.

**City staff present:** Kamme Sroufe, City Administrator (via Zoom); Andrew Kovar, City Attorney; Jessie Woodrow, Chief of Police; Theresa Morlan, City Clerk; Thomas Bevan, Director of Public Works, and Chris Morlan, Zoning Administrator.

**Guests present:** Taylor Messick, and Rick Alley.

**A. PLEDGE OF ALLEGIANCE** – Colors presented by Boy Scout Troup 404.

**B. APPROVE CONSENT AGENDA**

**Motion by Brian Adams to approve the Consent Agenda. Seconded by Richard Haddock. Motion carried 4-0-0.**

Consent Agenda

1. City Council Meeting Minutes October 22, 2020
2. November 2020 Appropriation Report
3. Resolution 20-718 – Holiday Observances 2021
4. Authorize payment to gWorks for 2021 License & Support fees

**C. APPROVE AGENDA**

**Motion by Matt Brewer to approve agenda as written. The motion was seconded by Brian Adams and carried 4-0-0.**

**II. COMMUNICATIONS**

**A. Public Forum** - None

**B. Kechi Civic Groups** – None

**III. OLD BUSINESS** - None

**IV. NEW BUSINESS**

**A. Rezone Lots 54 through 76 of Block 1 of Northwoods Addition from R-1 to R-1A** – Zoning Administrator, Chris Morlan presented the item. There were no abstentions, and a quorum of 4 was established, which did change to 5 when Margaret McCormick joined the meeting at 7:22pm. There were no protests received by the City Clerk, and City Council members received the unapproved minutes of the Planning Commission meeting. The City Council did not express concerns with the fairness of the public hearing. Regarding ex parte communications, Matt Brewer shared an email he received from a resident in Northwoods regarding survey results. City Attorney, Andrew Kovar, instructed the City Council that they can take into consideration the comments addressed in the survey (giving such anonymous comments any or no weight as the Council reasonably determines), but they are not to consider the quantitative survey results. Mr. Kovar stated the nature of public support or opposition is a relevant consideration but cannot be the sole consideration, and the Councilmembers may not

utilize the results of any purported survey as a substitution for their own judgment. The survey itself was not provided and all responses were anonymous. They are to consider the factors that are lined out in the Zoning Administrator's report. There were no other ex parte communications reported.

Z.A. Morlan reported that the lots will still be single-family with double car garages on smaller lots. There will be fifteen additional lots bringing the entire subdivision from 145 to 160 total lots. The drainage will be to the east and west as it is currently. The patio homes would be similar to those in Elk Creek with zero-entry, built on slabs with saferooms as an option.

Council questioned if duplexes would be allowed. Z.A. Morlan stated that they would not be allowed based on section 6.5 of Zoning Regulations, and covenants do not allow it. It was noted that in section 5.3 duplexes are allowed in R-1A, which is a contradiction that needs to be addressed.

Applicant, Rick Alley addressed the council regarding the plans for the lots in the area of the requested zoning change. He referred to it as "age-in-place" single-family housing option. The homes would be 2 or 3 bedrooms with more storage and saferooms. They will have a focus group to help develop housing plans which he expects to be approximately 1200sqft. Price of materials has escalated lately, but they want to meet the needs of those desiring this type of housing. The homes will be uniform in colors, style and similar materials such as stone, brick, etc. He addressed the comments from the survey, stating there is a fear of the unknown, and they have not built unsightly homes. The lots are such that only the lots on the far east side could have basements, as those on the west side cannot have gravity fed sewers. The lots are 125 feet deep, and the 10ft rear yard setback will not be an issue. The homes must have a firewall and no windows if they are 10ft apart, instead of 16ft in R-1. He has no intention of building homes cheaply and fully intends to build quality homes. Some technologies are much better than what was available in 2005 when the development started. Property values are a concern, and he is not looking to deter property values. Traffic should not be a problem as another entrance to Oliver will be constructed. The Preliminary Plat was presented to the Planning Commission on November 10, and the lots have the same depth. The minimum lot width in R-1 is 70ft and in R-1A is 50ft. Street dimensions have not changed. Nobody's backyard is changing, and only lots that are undeveloped would be adjacent to the rezoned lots.

Andrew Kovar reiterated that Zoning Regulations set aside 9 factors that both Planning Commission and City Council are to consider, and they should not consider the numeric values presented in the ex parte communication. The plat cannot be approved prior to the zoning change. Although the Zoning Regulations do need to be changed to prohibit duplexes in R-1A, and to make both sections of the regulations consistent, the restrictive covenants prohibit it currently, and there are additional maintenance covenants that will be required of this type of zoning. The Planning Commission considered all information that they are legally required to consider.

**Motion by Brian Adams to return the case to the Planning Commission with instruction to the Planning Commission to reconsider the factors of: (1) compatibility of the proposed zoning district classification with nearby properties; (2) extent to which the proposed**

**zoning amendment may detrimentally affect nearby properties; and (3) proportional loss/impact to nearby property owners relative to the net public gain. . Second by Richard Haddock. Motion carries 3-2-0. Richard Haddock, Brian Adams, and Margaret McCormick voted yea. Betty Washington and Matt Brewer voted nay.**

The case will be reconsidered at the Planning Commission Meeting, 7pm on December 8, 2020.

**B. Weixelman Plat** – Z.A. Morlan presented that the property is currently two lots and will be platted as four. The applicants would like to build family homes for their relatives. Reserve A will be a private drive and not a publicly dedicated street.

**Motion by Richard Haddock to approve the plat. Second by Brian Adams. Motion carries 4-0-1.**

## **V. ADJOURNMENT**

**Motion by Matt Brewer and second by Betty Washington to adjourn. Motion carried 5-0-0. Meeting was adjourned at 8:06pm.**

Signed: \_\_\_\_\_  
John Speer, Mayor

Attest: \_\_\_\_\_  
Theresa Morlan, City Clerk