

KECHI PLANNING COMMISSION & BOARD OF ZONING APPEALS

Minutes July 12, 2022

1. Call to Order
Chairman Wolf called the regular meeting of the Kechi Planning Commission to order at 7:03pm in Council Chambers of Kechi City Hall. Introduction of new Planning Commission member Deb Moore and Matt Williams with PEC, who will help the city with zoning until our new hire is trained.
2. Roll Call
Members in attendance were Deb Moore, Richard Wolf, Mark Bradbury, Oscar Thomison. Staff in attendance were Zoning Administrator Chris Morlan (ZA), Krista Brown, City Administrator Kamme Sroufe (CA). Guest in attendance were Matt Williams, PEC, Rick Alley, Buck Alley, Grant Tidemann, Hugh Greer, Terry Greer, Theresa Morlan and Norma Sullivan.
3. Approval of Agenda
ZA Morlan stated there is a change to agenda under public hearing BZA-VAC-2022-01 will be VAC-2022-01. Per Attorney this is a Planning Commission case not Board of Zoning Appeals. Oscar Thomison made motion to approve the agenda with that change. Mark Bradbury seconded motion and carried 4-0.
4. Approval of Minutes
Oscar Thomison moved to accept the minutes from the May 10, 2022. Motion was seconded by Mark Bradbury and carried 4-0.
5. Public Forum/ Communications
None
6. Public Hearings

Motion to convene as Planning Commission and reconvene as Board of Zoning Appeals. Seconded by Mark Bradbury. Carried 4-0.

a. BZA-V-2022-01 Alley- Lot 9 Blk B Kechi Business Park- Rear Yard Setback

Chairman Wolf called the item. A quorum of 4 was established. There were no ex parte communications, no abstentions and notification were published in the Ark Valley News June 16, 2022. Real property owners were sent notification June 16, 2022. Chairman Wolf read agenda as written as well as the variance check list.

Z.A. Morlan read variance report as written. Request is to remove the southern one foot of the twenty-foot setback required by the PDO. This is the first time this request has been brought before the Board of Zoning Appeals for this property.

Z.A. Morlan went over 4 things that the evidence must demonstrate as well as his finding per each listed.

Z.A. Morlan recommends approving the requested variance with no additional conditions.

Discussion from the Board as to if this was an issue with the builder and if there was an inspection completed. Board also questioned what the process was to approve the variance. ZA answered questions accordingly and gave the instructions that the Board of Zoning Appeals is authorized to

make decisions on approval and is only appealable with the District Court for 30 days. Chairman would sign and notarize then the Variance would be filed in City Hall.

Applicant Rick Alley explained that the builder had passed away and the business no longer exists.

Chairman Wolf closed public hearing.

Board deliberated the request for the variance to determine if the request is one of instances under which the Zoning Regulations is authorized to grant a variance.

Boards finding were based on the criteria it meets requirements for section 15.5.C.2. Evidence presented supports the conclusions of the finding. Board moved to adopt Z.A. Morlan's findings and comments.

Motion by Oscar Thomison: Having considered the evidence at the hearing and determined that the findings of facts have been found to exist that support the conditions set out in section 15.5.D. of the Zoning regulations and K.S.A 12.759€ of the state statutes which are necessary for granting of a variance. I, Oscar Thomison, move that Chairperson be authorized to sign a Resolution granting the variance for Case No. BZA-V-2022-01. Seconded by Mark Bradbury and carried 4-0.

Closing remarks: A variance granted by the Board shall be valid for a period no longer than 180 days from today unless withing such period a zoning permit is obtained, and the variance request is started. The Board may grant additional extensions not exceeding 180 days each, upon written application, without further notice or hearing.

Motion to reconvene as Planning Commission and adjourn meeting as Board of Appeals was made by Oscar Thomison and seconded by Deb Moore. Carried 4-0.

- b. **VAC-2022-01 Alley-Lot 9 Blk B Kechi Business Park- 20ft drainage & Utility Easement**
Chairman Wolf called agenda item. A quorum of 4, no ex parte, no abstention. Notifications were published in the Ark Valley News June 16, 2022. Real property owners were sent notifications June 16, 2022.

Z.A. Morlan read report as written. He stated that the request is to vacate the southern one foot of the twenty-foot drainage and utility easement on Lt 9 Blk B Kechi Business Park Addition. This is the first time this request has been requested and presented. Z.A. Morlan recommends approval with no conditions.

Chairman read what the evidence demonstrates, and planning agreed the evidence supports approval.

Motion by Oscar Thomison: Having considered the evidence a the hearing for Case No Vac-2022-01 and determined that the findings of facts have been found to exist that support the conditions set out in Section 10.103 of the Subdivision Regulations, I, Oscar Thomison, move that the Planning Commission make a recommendation to the Governing Body to approve the vacation as requested. Seconded by Deb Moore. Carried 4-0. Forward to the governing body for their consideration at their regular meeting on July 28, 2022, at 7:00 PM in the council room.

- c. **Z-2022-01 City of Kechi/Ayes- 3358 & 3360 E Kechi Rd. C-3 General Commercial**
Chairman Wolf called agenda item. A quorum of 4, no exparte no abstention. Notifications were published in Ark Valley June 16, 2022 and owner notifications send June 16, 2022.

Z.A. Morlan read report as written. The City of Kechi has initiated this rezoning request, so the current uses of the structure comply with the current and recent uses. This property has not been used for agricultural purposes in the Zoning Administrator's experience. This issue was brought up previously to City administration and it was decided not to pursue a zoning change at that time. A recent code enforcement issue has brought this concern to the attention of the current administration and was decided to initiate a rezoning to confirm with recent and current uses.

Meets all lot size requirements. Complies with applicable bulk requirements. Complies with off street parking & loading requirements. Complies with required visual buffer requirements.

Land Use Analysis

Subject property history & conditions: Subject property is located at the northeast corner of 61st St. N & Hillside. It is not platted and consists of 3.41 acres. The approximately eastern third of the property is improved with two structures, both built in 1964 according to county records. The western building is 3050sqft and the eastern building is 1900sqft. Each building has a canopy of the northern side and 720sqft canopy between the two buildings. There are 3 storage sheds located on the property as well. The property is in fair condition with some deferred maintenance noted.

Transportation, Utilities & Drainage: There should be no change to transportation in the area with the requested change. The area is served by water, gas and sewer from the City of Kechi. Evergy provides electric service. The area generally drains to the south and west.

Surrounding Development: The area surrounding the requested rezoning has several single-family residences in the A-1 zoning, There are agricultural, commercial dog kennels & training in located to the north. Single family residences & agricultural to the south. Kechi Township Cemetery is to the west of this property.

Summary Of Findings

Compatibility with Neighborhood Character: The subject property is compatible with the surrounding properties. Subject property is largely unchanged since built and zoning was implemented in Kechi.

Consistency with Community Vision & Plans: Chapter 8 "Land use and site design" of the 2040 Comprehensive Plan states: - The future Development Plan Map shows this area as "Mixed/Transitional, defined as "Areas where a mix of compatible housing and small business are appropriate at suburban densities." - Mixed/Traditional Function Areas These land uses are appropriate only in conjunction with the C-2 Light Commercial zoning district. Direct property access from arterial streets should be encouraged, except for internal circulation within a contiguous development. City utility connections should be required for each of these land uses.

-Good & Services Function Areas These land uses are appropriate only in conjunction with the C-2 Light Commercial and C-3 General Commercial 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 from each of the land uses. (from pages 41-45)

Adequacy of infrastructure & Services: All city utilities are in place and being provided.

Suitability of Proposed Use: Property is suitable for proposed rezoning and proposed use as it has been for decades.

Length of Time Vacant as Zoned: Not applicable

Zoning Compatibility with Surrounding Development: Most surrounding properties are zoned A-1 Agricultural or County RR zoning.

Potential Negative Impacts of Proposed Zoning: The requested rezoning should have minimal negative impacts to surrounding properties as the existing properties been used for commercial uses in recent years without issues or complaints.

Property Impacts Versus Public Benefit: There should be minimal impact with the requested rezoning as the property has been used for both commercial in recent years without issues or complaints.

Z.A. Morlan recommends approval as submitted.

Planning Commission had questions concerning how area was taxed. Z.A. Morlan stated the area is taxed based on the use of the land.

Public Comments:

Norma Sullivan, 3400 E. 61st daughter to Jerry Clingerman- Just asking if this was for the one area only or the surrounding area. ZA Morlan answered it was for the one area only.

Terry Greer, 6140 N Hillside- Why the change? What will be allowed to be built there? ZA Morlan answered accordingly and explained how to read the Zoning districts uses in the Zoning Regulations manual.

Chairman Wolf closed public hearing

Planning Commission discussion was in favor of zoning change.

Motion made by Mark Bradbury: I move that the Planning Commission adopt the finding and recommendations stated in the Zoning Administrator's Report for Case # Z-2022-01 and forward a recommendation of approval to the Governing Body regarding the requested rezoning to the C-3 General Commercial District. Seconded by Oscar Thomison. Carried 4-0. Forward to the governing body for their consideration at their regular meeting on July 28, 2022, at 7:00 PM in the council room.

7. Preliminary Plat

None

8. Final Plat

None

9. Unfinished Business

NA

10. New Business

Election of new Chairman/Vice Chairman/ Recording Secretary

Chairman- Richard Wolf

Vice Chairman- Mark Bradbury


Recording Secretary- Krista Brown

City Administrator thank Zoning Administrator Chris Morlan for all his years of service and congratulated him on his retirement. She asked that everyone help acknowledge and celebrate him for his retirement.

11. Adjourn

Motion by Oscar Thomison to adjourn at 8:21PM, second by Deb Moore. Motion passed 4-0.

Respectfully Submitted,


Richard Wolf, Chairperson
Kechi Planning Commission