

PLANNING COMMISSION MINUTES
July 28, 2016
6:30 p.m.

1. CALL TO ORDER & ROLL CALL

Chairman Britain called the meeting to order at 6:30pm.

Members Present:

Fred Britain
Scott Leason
David Lewis
Brad Long
Kyle McLaren
Samuel McVay
Gerald Watson

Staff Present:

Jay Shivers
Scott Rickard
Jim Murfin

Others Present:

Ashlyn Lindskog	
David Crenshaw	3337 SE Sage
Gail Crenshaw	3337 SE Sage
James Shinkle	824 N. Topeka
Susan Shinkle	824 N. Topeka
Ross Stumpf	411 S. Main
Richard Stumpf	411 S. Main
Bob Kaplan	
Joshua Jones	411 S. Main
Steve Hiser	537 N. Topeka
Aida Hiser	537 N. Topeka
Jim Hatfield	3205 W. Towanda
Ben Whiteside	216 S. Vine

2. APPROVAL OF MINUTES

Commissioner Watson moved to approve the April 28th Planning Commission minutes, seconded by Commissioner Leason. The motion passed (7-0).

3. NEW BUSINESS

ITEM NO. 1 – CASE NO. 16-003-SUP: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST FOR A SPECIAL USE PERMIT TO ALLOW AUTO SALES AT 401 S. MAIN STREET.

A) PRESENTATION OF REQUEST

Mr. Shivers stated that the applicant was not able to provide all the information required by ordinance for the meeting and the applicant has requested the Planning Commission table the item. Mr. Shivers recommended tabling the item to the August 25th, 2016, Planning Commission Meeting.

B) PUBLIC HEARING

Chairman Britain opened the public hearing. Bob Kaplan, representing the applicant, explained that the company preparing the site plan has not yet completed the plan. Mr. Kaplan told the Commission there were people at the meeting who would like to speak but will do so at the next meeting. Mr. Kaplan asked the Planning Commission to table the item.

C) DISCUSSION BY PLANNING COMMISSIONERS

D) MOTION

Commissioner Long made a motion to table the item, seconded by Commissioner Leason. The motion passed unanimously (7-0).

ITEM NO. 2 – CASE NO. 16-002-SUP: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST FOR A SPECIAL USE PERMIT TO ALLOW AN ACCESSORY APARTMENT AT 3215 W. TOWANDA AVENUE.

A) PRESENTATION OF REQUEST

Mr. Shivers provided an overview of the Special Use Permit application.

B) PUBLIC HEARING

Chairman Britain opened the public hearing. Jim Hatfield, residing at 3205 W. Towanda, stated that he lives to the east of the subject property. Mr. Hatfield stated that he opposes the SUP. He said the covenants do not allow a second residential structure on the property. He stated the lots have been around since the 1970s. He also stated he enjoys the privacy of living in this area. He opposes his neighbor building a house to the rear of his property.

David and Gail Crenshaw stated that the maximum house size would be 30 by 40 feet, built to look like a barn to blend in with the area. Mr. Crenshaw stated the area is screened by trees along the creek. He stated they would like to downsize and live next to their children that rent the house on their property. Mrs. Crenshaw added that they do not want to upset the neighbors. Mrs. Crenshaw said the site plan was out of proportion; Mr. Shivers clarified that the green box on the

map was to show the general area where the house would be located and does not represent the actual house size.

There being no one else to speak, the public hearing was closed.

C) DISCUSSION BY PLANNING COMMISSIONERS

Commissioner Watson asked if the covenants that Mr. Hatfield quoted covers all the lots in the subdivision. Mr. Shivers stated that he has not seen the covenants and that the city does not enforce covenants. He stated that homeowner's associations typically enforce covenants.

Commissioner McLaren asked if there was still a homeowner's association in place. Mr. Hatfield replied that it is loosely organized if there is one.

Commissioner Watson asked how restrictive the covenants are. Mrs. Crenshaw replied that there is a number of large structures on the lots covered by the covenants.

Commissioner Long asked about the date on the covenants. Mr. Hatfield stated 1966.

Scott Rickard stated that most covenants are more restrictive than city ordinances and apply to specific subdivisions and neighborhoods. He stated the documents are usually recorded at the county. He also said the city does not enforce covenants.

Commissioner Lewis asked if the permit was approved if it would be up to Mr. and Mrs. Crenshaw to work with the neighbors and covenants for approval. Mr. Rickard stated that was correct.

Commissioner Leason asked if there are EPA regulations on the creek crossing the property. Mr. Rickard stated that it may be a regulated waterway and that a crossing will be reviewed during the building permit process.

Commissioner Long asked the applicants about potential house sizes. Mrs. Crenshaw stated they would like to stay below 1,200 square feet. Commissioner Long asked if it would be a single story structure. Mr. Crenshaw stated that it likely would be a single story with a loft but they have not picked a house plan.

Mrs. Crenshaw asked if the permit was approved what their next step would be. Mr. Shivers recommended that they start by attaining and reading a copy of the covenants to see how new buildings are addressed.

D) MOTION

Commissioner Long moved to recommend approval of Case No, 16-002-SUP, a request by Carl and Belinda Gail Crenshaw, for a Special Use Permit to allow an accessory apartment on the property located at 3215 W. Towanda Avenue, for reasons set forth in the staff recommendation and heard at this public hearing. Commissioner Lewis seconded the motion. The motion passed (6-1).

ITEM NO. 3 – CASE NO. 16-004-REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO REZONE 216 S. VINE STREET FROM C-1 GENERAL BUSINESS DISTRICT TO I-1 LIGHT INDUSTRIAL DISTRICT.

Chairman Britain stepped out of the room for this item.

A) PRESENTATION OF REQUEST

Mr. Shivers provided an overview of the application.

B) PUBLIC HEARING

Commissioner Long opened the public hearing. There being no one to speak, Commissioner Long closed the public hearing.

C) DISCUSSION BY PLANNING COMMISSIONERS

Commissioner Watson asked about the small building on Vine Street. Mr. Shivers replied that Butler REC has purchased the building and is rezoning the small lot along with the rest of their property.

D) MOTION

Commissioner Lewis moved to recommend approval of Case No. 16-005-REZ, an application by Butler Rural Electric Cooperative to rezone 216 S. Vine Street, from I-1 Light Industrial District and C-1 General Business District to I-1 Light Industrial District, for the reasons stated in the staff recommendation and heard at this public hearing. The motion was seconded by Commissioner Leason. The motion passed (6-0).

Chairman Britain returned.

4. OLD BUSINESS

5. STAFF ITEMS

Mr. Shivers asked if they would like to elect a Chairman and Vice Chairman at the meeting. The Commission discussed the positions. Commissioner Watson made a motion for Chairman Britain to continue serving as Chairman and for Commissioner Long to serve as Vice Chairman. Commissioner Lewis seconded the motion. The motion passed unanimously (7-0). Mr. Shivers informed the Commission that there will be a meeting on August 25th.

6. ADJOURNMENT

The meeting adjourned at 7:00pm.