

**MINUTES-REGULAR MEETING
MAIZE CITY PLANNING COMMISSION AND
BOARD OF ZONING APPEALS
THURSDAY, JUNE 6, 2019**

The Maize City Planning Commission was called to order at 7:00 p.m., on Thursday June 6, 2019, for a Regular Meeting with *Brian Aubuchon*, presiding. The following Planning Commission members present were *Mike Burks, Bryant Wilks, Brian Aubuchon, Mike Strelow*, and *Hugh Nicks*. *Dennis Downes* was absent. Also present were *Sue Villarreal*, Recording Secretary; *Kim Edgington*, Planning Administrator; *Richard LaMunyon*, City Administrator, *Bill McKinley*, City Engineer; *Gregory* and *Rebecca Hiser*, Applicants; *Alan Betchan*, AAB Engineering; *Kris Rose*, Baughman Co.

APPROVAL OF AGENDA

MOTION: *Wilks* moved to approve the agenda as presented.
Burks seconded the motion.
Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: *Burks* moved to approve the minutes of May 2, 2019 as presented.
Wilks seconded the motion.
Motion carried unanimously.

**Z-03-019 – ZONE CHANGE REQUEST FOR 0.34 ACRES FROM SF-5 SINGLE FAMILY
RESIDENTIAL TO LC LIMITED COMMERCIAL AT 5711 NORTH TYLER**

Edgington explained that the applicant was granted a Conditional Use in 2017 at this location for a special event venue. The property owners would like to build a building and add a private supper club.

Gregory & Rebecca Hiser were present to answer questions from the commissioners.

MOTION: *Wilks* moved to approve Z-03-019 based on the following findings:

1. The zoning, uses and character of the neighborhood: This property is located within an area that is currently almost all agricultural and residential in character. The type of proposed use would be consistent with residential development and could be made to be sensitive to surrounding land uses in its design, scale and intensity. The applicant plans to construct a nice, well-designed building.
2. The suitability of the subject property for the uses to which it has been restricted: The property is used for residential purposes as currently zoned and the current Conditional Use. The site is suitable for residential use for the time being but could be more appropriate as a low-intensity commercial use given proper screening and intensity restrictions.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: LC zoning at this location could allow uses which may be deemed appropriate adjacent to residential uses. Building scale and signage are limited in order to ensure compatibility with the surrounding neighborhood.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The City of Maize Comprehensive Plan recommends this area for urban residential uses. The nature of the proposed use is compatible with this use.

5. Impact of the proposed development on community facilities: The requested zone change would introduce a more intensive land use to the area but one that is compatible with surrounding large-lot residential and agricultural uses. Public street services are capable of handling this type of use. Private water and sewage disposal will be required.

And subject to the following conditions:

- 1) Limited to supper club only. All other uses in LC Limited Commercial are excluded.
- 2) Hours of operation: Wednesday – Saturday until midnight.

Burks seconded the motion.

Motion carried unanimously.

Z-04-019 – ZONE CHANGE REQUEST FOR 1.57 ACRES FROM SF-5 SINGLE FAMILY RESIDENTIAL TO LC LIMITED COMMERCIAL AT 5500 NORTH MAIZE ROAD

Edgington explained that the applicant is requesting a zone change at this location to build a Dollar General store.

Betchan was present to answer questions from the commissioners.

MOTION: **Strelow** moved to approve Z-04-019 based on the following findings:

1. The zoning, uses and character of the neighborhood: This property is located within an area that is currently almost all agricultural and residential in character. The type of proposed use would be consistent with residential development and could be made to be sensitive to surrounding land uses in its design, scale and intensity. The applicant plans to construct a nice, well-designed building.
2. The suitability of the subject property for the uses to which it has been restricted: The property is used for residential purposes as currently zoned and the current Conditional Use. The site is suitable for residential use for the time being but could be more appropriate as a low-intensity commercial use given proper screening and intensity restrictions.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: LC zoning at this location could allow uses which may be deemed appropriate adjacent to residential uses. Building scale and signage are limited in order to ensure compatibility with the surrounding neighborhood.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The City of Maize Comprehensive Plan recommends this area for urban residential uses. The nature of the proposed use is compatible with this use.
5. Impact of the proposed development on community facilities: The requested zone change would introduce a more intensive land use to the area but one that is compatible with surrounding large-lot residential and agricultural uses. Public street services are capable of handling this type of use. Private water and sewage disposal will be required.

Wilks seconded the motion.

Motion carried unanimously.

S/D 02-019 PRELIMINARY PLAT DOLLAR GENERAL #20698 ADDITION

Edgington explained that the plat was divided into 2 lots. Dollar General will be on the south lot.

Betchan was present to answer questions from the commissioners.

MOTION: **Wilks** moved to approve S/D 02-019 subject to the following staff comments and conditions:

- A. City water and sewer services will be available to serve the site.
- B. Name of Mayor needs to be changed the Donna Clasen.

- C. Name of Deputy County Surveyor needs to be changed to Kenly Zehring.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions, with cost estimates shall be submitted to the City of Maize for recording along with the final plat.
- E. Due to the location of portions of the property in the flood zone, **City Engineering** will need to review and approve a final drainage plan before the final plat is approved by Council. _
- F. Homeowner Association bylaws and covenants will need to be submitted with the final plat and before the plat is reviewed by the City Council.
- G. A sidewalk plan will need to be submitted with the final plat and before the plat is reviewed by the City Council.
- H. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the final plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- I. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City of Maize, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- J. This property is in Flood Zone "X" on the FEMA flood map.
- K. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- L. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable (water service and fire hydrants required for fire protection shall be as per the direction and approval of the Chief of the Sedgwick County Fire Department.)
- M. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- O. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Maize, erosion and sediment control devices must be used on ALL projects.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Recording of the plat within sixty (60) days after approval by the City Council.
- R. The applicant is reminded that a compact disk (CD) shall be submitted with the final plat tracing to the City of Maize detailing this plat in digital format in AutoCAD, or sent via e-mail to scoelho@cityofmaize.org. This will be used by the County GIS Department.

Nicks seconded the motion.
Motion carried unanimously.

S/D 03-019 FINAL PLAT EAGLE'S NEST 2ND ADDITION

Rose was present to answer questions from the commissioners.

MOTION: *Burks* moved to approve S/D 03-019 subject to the following staff comments and conditions:

- B. City water and sewer services will be available to serve the site.
- B. Staff recommends that all building setback lines be removed from the face of the plat and that setbacks be determined by the underlying zoning district.
- C. Westar Energy recommends additional easements as notated on the marked up plat submitted to the Applicant's Engineer.
- D. Sedgwick County Fire Department has approved the layout of streets.
- E. If improvements are guaranteed by petition, a notarized certificate listing the petitions, with cost estimates shall be submitted to the City of Maize for recording along with the final plat.
- F. **City Engineering** will need to review and approve a final drainage plan before the final plat is approved.
- G. Homeowner Association bylaws and covenants will need to be submitted with the final plat and before the plat is reviewed by the City Council.
- H. A sidewalk plan will need to be submitted before the final plat is reviewed by the City Council.
- I. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the final plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- J. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City of Maize, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- K. This property is in Flood Zone "X" on the FEMA flood map.
- L. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- M. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable (water service and fire hydrants required for fire protection shall be as per the direction and approval of the Chief of the Sedgwick County Fire Department.)
- N. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Maize, erosion and sediment control devices must be used on ALL projects.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.

- R. Recording of the plat within sixty (60) days after approval by the City Council.
- S. The applicant is reminded that a compact disk (CD) shall be submitted with the final plat tracing to the City of Maize detailing this plat in digital format in AutoCAD, or sent via e-mail to scoelho@cityofmaize.org. This will be used by the County GIS Department.

Strelow seconded the motion.
Motion carried unanimously.

ELECTION OF OFFICERS:

MOTION: **Wilks** motioned to appoint the following officers to the following positions.:

Bryan Aubuchon – Chair
Bryant Wilks – Vice Chair
Dennis Downes – Secretary
Burks seconded the motion.
Motion carried unanimously.

ADJOURNMENT:

MOTION: With no further business before the Planning Commission,
Burks moved to adjourn.
Wilks seconded the motion.
Motion carried unanimously.

Meeting adjourned at 7:42 pm.

Sue Villarreal
Recording Secretary

Bryan Aubuchon
Chairman