

**MINUTES-REGULAR MEETING
MAIZE CITY PLANNING COMMISSION AND
BOARD OF ZONING APPEALS
THURSDAY, APRIL 6, 2017**

The Maize City Planning Commission was called to order at 7:00 p.m., on Thursday, April 6, 2017, for a Regular Meeting with *Mike Burks*, presiding. The following Planning Commission members were present: *Mike Burks, Andy Sciolaro, Dennis Downes* and *Jennifer Herington*. Not present were *Bryant Wilks and Bryan Aubuchon*. Also present were *Sue Villarreal*, Recording Secretary; *Kim Edgington*, Planning Administrator; *Richard LaMunyon*, City Administrator; *Bill McKinley*, City Engineer; *Pat Heim*, Applicant; *Kirk Miller*, K.E. Miller Engineering, *Graham Smith*, Gould Evans.

APPROVAL OF MINUTES

MOTION: *Sciolaro* moved to approve the January 12, 2017 minutes as presented.
Herington seconded the motion.
Motion carried unanimously.

NEW BUSINESS – PLANNING COMMISSION

BZA-V-01-017 Variance to allow the construction of a carport within the 25-foot front building setback at 204 S Park

Heim was present and explained he and his wife have health issues and would like to have the carport for ease of access from their vehicle to their home.

Edgington explained that the carport would not have a negative effect on adjacent property owners because there are other carports placed similarly within the neighborhood and none of the neighbors came forward to protest.

Sciolaro suggested a stipulation that the carport be removed if property changes ownership.

MOTION: *Herington* moved to approve BZA-V-01-017 variance request based on staff recommendations which support the following five conditions of the Zoning Code and K.S.A. 12-759 (e) of the state statutes:

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the zoning district, and is not created by an action or actions of the property owner or applicant: **The configuration and size of this lot does not allow for the construction of a carport at any other location.**
2. That granting of the variance will not adversely affect the rights of adjacent property owners or residents: **The granting of the variance would have no negative effect on adjacent property owners.**
3. That strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner

represented in the application: **The owners will be unable to protect and access their vehicle without the variance.**

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare: **The granting of the variance would have no negative affect on public health, safety, morals, order, convenience, prosperity or general welfare.**
5. That granting the variance desired will not be opposed to the general spirit and intent of the Zoning Code. **The granting of the variance will not be opposed to the general spirit and intent of the Zoning Code.**

Wilks seconded the motion.

Burks requested a roll call vote to approve BZA-V-01-017 with the following results:

Burks – yes

Sciolaro - no

Downes - yes

Herington – yes

Motion carried. 3 – yes, 1- no (*Sciolaro*)

Z-01-017 Zone change for approximately 19.6 acres north of 53rd Street north and west of 119th Street West from SF-5 Single-Family Residential to LI Limited Industrial

Edgington explained that the property is adjacent to the industrial park. The developer would like to enlarge the industrially zoned property to include this area for future expansion.

MOTION: *Sciolaro* moved to approve Z-01-017 zone change request and recommend approval to the City Council based on the following findings:

1. The zoning, uses and character of the neighborhood: This property is located within an area that is currently mixed-use in character with industrial, and agricultural uses.
2. The suitability of the subject property for the uses to which it has been restricted: The property is currently being farmed but has much higher development potential as an industrial park.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: LI zoning at this location would require screening from any adjacent residential and is in keeping with other neighboring land uses.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The City of Maize Comprehensive Plan recommends this property for industrial use. The nature of the proposed use is in compliance with this recommendation and is appropriate given the property's proximity to the existing similar uses.

5. Impact of the proposed development on community facilities: The requested zone change would introduce a somewhat more intensive land use to the area. Existing public streets are capable of handling this type of use.

Downes seconded the motion.

Burks requested a roll call vote to approve Z-01-017 with the following results:

Burks – yes

Sciolaro - yes

Downes - yes

Herington – yes

Motion carried unanimously.

S/D-01-017 – Final plat for Maize Industrial 2nd Addition

Miller stated that the road would be to the west of Reiloy and west of existing fire hydrants.

Edgington stated that the final drainage plan will be approved by the City Engineer prior to review of the Council.

MOTION: *Harington* moved to approve S/D 01-017 Final Plat Maize Industrial Park 2nd Addition subject to the following staff comments:

- A. City water and sewer services will be available to serve the site.
- B. A final drainage plan approved by the City Engineer shall be on file with the City prior to the plat being reviewed by the Governing Body.
- C. Dates on all of the title blocks should be revised to “2017.”
- D. The names of the Planning Commission Chair and Secretary should be revised to Bryan Aubuchon, Chair and Dennis Downes, Secretary.
- E. A certified copy of a title report shall be submitted to the City prior to the plat being reviewed by the Governing Body.
- F. Minimum pad elevations shall be listed for each lot.
- G. 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.
- H. Plat shall include a statement as to the nature and type of improvements proposed for the subdivision, and in what manner the subdivider intends to finance and provide for their installation, e.g. petition, actual construction, monetary guarantee, etc.

- I. 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.
- J. 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.
- K. This property is in Area C on the FEMA flood map, not in the floodplain.
- 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. Recording of the plat within thirty (30) days after approval by the City Council.
- P. The applicant is reminded that flash drive 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 svillareal@cityofmaize.org. This will be used by the County GIS Department.

Sciolaro seconded the motion.

Burks requested a roll call vote to approve S/D-01-017 with the following results:

Burks – yes

Sciolaro - yes

Downes - yes

Herington – yes

Motion carried unanimously.

REVIEW COMPREHENSIVE PLAN SURVEY

Smith presented the results of the survey to the Commissioners. He also presented a draft statement of visions and goals. Additional updates will be made in the following months and may also include a second survey.

ADJOURNMENT:

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

Meeting adjourned at 8:43 PM.

Sue Villarreal
Recording Secretary

Mike Burks
Vice Chairman