

MINUTES

CITY OF GARNETT, KANSAS PLANNING COMMISSION

MAY 20, 2021

The May 20, 2021, meeting of the Garnett Planning Commission was called to order at 6:18 PM. Present were Co-Chair Peterson, and Commissioners Landis, Norman, and Scott. Also present were Zoning Administrator Eric Mills, Dr. Glenn Bauman, and Robert and Wendi Stevens.

Commissioners discussed moving the Planning Commission meeting back to the third Tuesday of the month. Co-Chair Peterson moved as such, and Commr. Landis seconded. Motion carried, 4-0.

Co-Chair Peterson moved to table the approval of the minutes of the March 18, 2021, meeting, as no copy was available. Commr. Landis seconded. Motion carried, 4-0.

Co-Chair Peterson opened the floor to public comment for business not on the agenda. No citizens chose to speak.

Co-Chair Peterson asked for old business. No old business outstanding.

Co-Chair Peterson initiated a discussion regarding the propriety of hearing the new business. Commrs. Landis and Norman are both residents of the adjoining subdivision, and Co-Chair Peterson lives nearby in unincorporated Anderson County. Additionally, Commr. Landis is the President of the subdivision HOA, and Commr. Norman is employed by Dr. Bauman. Attempts to reach City Attorney Solander were unsuccessful, as were attempts to reach City Manager Chris Weiner. The board agreed to tentatively hear the matters, prepared to table them pending contact with Solander or Weiner.

Co-Chair Peterson asked for new business. Zoning Administrator Mills presented to Commission Dr. Glenn Bauman's applications for a Special Use Permit for 803 N Maple, for the purpose of constructing a self-storage facility. Additionally Dr. Bauman has an application before the board for a Variance to build outside the required setback, specifically seven feet from the property line.

Members asked Dr. Bauman questions about the proposed construction. Dr. Bauman stated he would like the variance, because his current building at 805 N Maple was built seven feet from the property line, and he wants to keep things orderly, and similar to existing design. When asked about utilities, he advised he previously contacted Troy Hart, Head of Electric Distribution, regarding access to utilities in the easement.

He was informed by Mr. Hart that all utilities lay on the residential properties, and that access would not be impeded by construction beyond the setback.

Commr. Landis asked whether the facility would be available for access 24 hours a day, and if so, would lighting be provided. Dr. Bauman responded that access would be available 24 hours a day, and he has no plans to install lighting at this time.

During discussion, Mills excused himself to take a call from City Manager Weiner. Upon return, he stated that in the opinion of the City Mgr., since no member had a bona fide financial interest in the success or failure of the building, the Commission had 3 options:

1. Table the vote until sufficient members were present without a potential conflict;
2. Vote on the matter, contingent upon opinion of the City attorney;
3. Vote on the matter without restriction.

After further discussion, Commr. Norman moved to approve the Special Use permit for a self-storage facility at 803 N Maple, conditioned upon any future lighting that may be installed, be installed in such a manner that it does not shine into residences neighboring on the west. Commr. Landis seconded, motion carried, 4-0.

Discussion continued as to the variance. The Stevens family, 53 Lake shore Dr., was present, and presented their objection to the variance. They stated they have a previous history of living behind commercial structures, and constantly having to police trash, bottles, and other miscellaneous unwanted material from their yard. They do not want that experience again. Additionally, they expressed concern for the potential security issues presented by unrestricted access to the property. They want to ensure that their home is as secure as they can make it and wanted to ensure some type of fence was erected to assist with that.

Zoning Administrator Mills presented public comment he received prior to these proceedings. Mills stated he received comment from David Lybarger, who had no objection; the Villegas Family, 55 Lakeshore Dr., who had no objection, provided Dr. Bauman installed a fence; and Mike Burns, owner of 47 Lakeshore Dr. Mr. Burns was adamantly opposed to construction facility for several reasons. First, he stated he wanted to be able to sit on his back porch and not have to look at a metal building. Secondly, he felt a variance would not allow residents any "breathing room". He finally felt that it could be detrimental to residential property values.

Commr. Landis moved to deny the application for Variance Bauman's Interiors at 803 N Maple, for the purpose of building outside the required setback. Commrs Norman and Peterson both seconded.

Prior to vote, Co-Chair Peterson asked if all other issues regarding the application were adequately addressed. Discussion determined the fence issue had not been addressed. Commr. Norman moved to nullify the previous vote on the Special Use Permit. Commr. Landis seconded. Motion carried, 4-0.

Commr. Norman then moved to recommend approval of a Special Use Permit for Bauman's Interiors at 803 N Maple for the purpose of constructing a self-storage facility, conditioned upon any future lighting that may be installed, not emit light toward adjacent residences; and the construction of a fence eight feet in height between the building and adjacent residences. Commr. Landis seconded, motion carried, 4-0.

Co-Chair Peterson again brought the motion to deny the application for Variance by Bauman's Interiors for the purpose of building outside the required setback. Motion carried, 4-0.

There being no other business before the Commission, Commr. Norman moved to adjourn. Commr. Landis seconded, motion carried 4-0, at 7:17 PM.