**MINUTES**

**APPROVED AS WRITTEN**

**PLANNING COMMISSION**

**CITY OF GARNETT, KANSAS**

**FEBRUARY 21, 2023**

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The February 21, 2023, meeting of the Garnett Planning Commission and Board of Zoning Appeals was called to order at 1804 by Chair Beth Mersman. Other Commissioners present were Vice-Chair Peterson, and Commissioners Frye, Landis, Norman, and Scott. Also present were Zoning Administrator Mills, USD365 Superintendent Don Blome, and Adam and Caryn Caylor.

Chair Mersman called for a motion to approve the minutes of the October 2022 meeting. Norman moved, and Landis provided the second. Motion carried 6-0.

The Chair then asked opened the Public Hearing for the application for Special Use Permit at 800 N Maple. Mills explained that Clear Creek Estates, through Dr. Glenn Bauman, purchased the property at 800 N Maple St. He further explained that it was Dr. Bauman’s intent to move his chiropractic practice to the address, and use the remainder for self storage. Self storage is permitted in the B-1 zoning district upon the issuance of a special use permit.

Vice-Chair Peterson stated he believed it would be more prudent to address the concurrent variance application prior to the special use permit. There were no objections. Dr. Bauman’s intent, and the reason for which the variance is being requested, is to locate a portion of the storage buildings in the setback required when an adjacent property is a residential zoning district.

Dr. Bauman spoke to the Board regarding his application for variance. His request was to build his buildings within three to five feet of the property line, instead of the 25 feet required by zoning regulations. An extensive discussion followed, which included easements, safety and security of the proposed use, and traffic safety at the intersection, specifically how the new buildings would impair visibility for traffic at the intersection. During this discussion, Mr. Blome stated that he was speaking as the Superintendent of the school district, and not a representative of the school board. His opinion was that he was less concerned about what may be built there, than the safety of the children and their parents, particularly during pickup and dropoff. Vice-Chair Peterson suggested that Dr. Bauman present his proposal to the school board for their opinion. At the end of the discussion, Commr Landis moved to table both applications until more information could be obtained as to the actual location of the property line relative to the street, and the potential for any other conflict. The motion was seconded by Vice-Chair Peterson. The Motion carried 4-2, with Commrs. Norman and Scott dissenting.

The Chair next opened the floor for approval of the plan review for Dr. Bauman’s chiropractic office. Mills explained that he had elevations and a sketched floor plan for the building. He further explained that stamped plans for the structure will be available, but no stamped plans had been prepared for the remainder. Vice-Chair Peterson remarked that, inasmuch as there are no engineered plans available, any plans submitted would be insufficient for a recommendation for approval. Mills stated that he had previously had that discussion with Dr. Bauman, and to expect that response.

Peterson then asked Mills to explain a previous occurrence regarding a similar situation. Mills then explained that a resident recently wished to build a commercial building in which he intended to establish two businesses. The resident contended that, based on the plan review section of the zoning regulations, the only plans required to be signed by a qualified design professional were the exterior plans, and that it was unnecessary for interior plans. The situation escalated until the resident demanded a meeting with Mills and the City Manager. Also present at that meeting were another local business owner, Vice-Chair Peterson, and Commr. Frye. During the meeting, it was resolved that the business owners would submit stamped plans as required by the zoning regulations and the International Building Code, and would be allowed to submit them in phases, as provided in the building Code.

The Chair then asked for nominations for officers for 2023. Commr. Landis asked if there would be any objection to moving to retain the current officers in one motion. Commr. Scott disagreed. Commr Landis then moved to retain Mersman as chair for 2023. Commr. Norman seconded. The motion carried 5-0. Commr. Landis followed up with a motion to retain Peterson as Vice-Chair. Norman seconded. The motion carried 4-1, with Commr. Scott

Commr. Norman then moved to adjourn the meeting. Commr. Landis provided the second. Having no further business before this body, the meeting was adjourned by the chair at 1925. The next regular meeting is scheduled for March 21, 2023, at 1800.