

## **City of Greensburg Planning Commission**

**February 27, 2013 6:30 PM**

**Location: City Hall Council Chambers- 300 S. Main, Greensburg, KS 67054**

### **Call to Order & Roll Call**

Travis Barnes called the meeting to order at 6:30 pm. Roll call was taken with the following members present: Travis Barnes, Georgina Rodriguez, Shawn Cannon, Loren Campbell, and Scott Eller.

### **Approval of Minutes**

Cannon made a motion, seconded by Campbell, to approve the January 30, 2013 minutes as presented. Motion passed 5-0.

### **Plan Review**

#### **USD 422 Addition**

Planning and Zoning Consultant Mike Gurnee gave a brief Staff report of the planned addition to USD 422. The school intends to build a 6 classroom addition on the south side of the elementary wing. Plans presented showed the floor plan, site plan and exterior elevations. The plans meet all criteria of the zoning code. There will be an addition of a water line to the site, no additional parking is required, the drainage to the south will be altered, and the exterior matches that of the existing structure. Staff recommended approval.

USD 422 Superintendent Darin Headrick stated that construction will begin in April with a completion date of August 8<sup>th</sup>. The interior of the addition will be similar but not identical to the existing facility. Construction is being funded by cash, with no bond. There will be no restrooms in the addition. GMCN Architects (Gibson, Mancini, Carmichael and Nelson) out of Garden City is the project architect. McCown Gordon Construction will be the Construction Manager. They will be bringing in dirt to raise the site grade. A pre-bid meeting will be held Friday. McCown Gordon currently plans to set a construction trailer near the football field. They will need temporary power at that location.

Barnes made a motion to approve the plan as presented. Cannon seconded. Motion passed 5-0.

### **Public Hearings**

#### **2013-01-TA Chickens in Residence Districts**

Barnes opened the public hearing for case 2013-01-TA. This case is to determine public interest in permitting chickens in residence districts within the City of Greensburg. Gurnee gave the staff report. Currently the zoning code allows chickens as a Conditional Use (CU) with two acres of property. The current code does not conform to the request received from citizens. The City's Animal Control Ordinance conflicts with the current zoning code, prohibiting fowl in the City. The Animal Control Ordinance prevails in all instances. Should the Commission recommend changes to the Land Development Code, it should also recommend a change to the Animal Control Ordinance. Gurnee recommended that, should the Commission desire to recommend changes to the Land Development Code, they add an exception to the current code that allows chickens for personal use. The Animal Control Ordinance could then regulate the number of chickens, whether or not roosters are allowed,

how enclosures should be constructed, etc. Staff has advised that the Animal Control Ordinance is already being reviewed by Council. Staff plans to begin providing Council with information on the Ordinance and recommended changes at the next Council meeting.

Barnes opened the public comment portion of the hearing. Ann Dixon and Randy Rinker each spoke of their desire to see chickens and/or other fowl allowed in City limits. Both understand and concur with public concerns over noise, smell, maintenance of enclosures, and the need for regulations. Voicing that there are benefits and drawbacks to their request, both feel that the ability to house chickens in particular should be allowed, as in several larger communities in the state, with regulations from the City on the numbers of birds allowed, coops, and maintaining the enclosures. Dixon suggested a \$5 per year license fee and yearly inspection of sites. Rinker feels that allowing fowl in general would open the door for local Scouts and 4-H participants to earn some of their animal husbandry badges. Rinker recommended Council research backyard poultry in magazines such as Hobby Farms which caters to the keeping of urban type poultry.

Barnes closed the comment portion of the hearing. Eller voiced that he believes that small animals should be allowed, with guidelines, within City limits. Rodriguez concurred, stating that she has housed fowl and animals for over 25 years with no complaints. She presented a petition of those in favor and against fowl in city limits. Of the 14 signatures she received, only one was not in favor of allowing fowl. Rodriguez stated that she spoke to County Appraiser DJ McMurry who said that property values would not be affected by neighboring properties practicing fowl husbandry. She does feel that only property owners should be allowed to house fowl, avoiding the issue of renters moving away and leaving their birds for the owner to deal with. Cannon had spoken to a breeder who recommended 10-12 maximum be allowed with no roosters if residents were concerned about noise. Campbell was in favor of allowing fowl but voiced concerns over who would be in charge of enforcing regulations, the Planning Commission or the City Council. Campbell recommended amending the Zoning Code to allow for fowl but recommending that Council put the "teeth" to the code through the Animal Control Ordinance rather than the Commission attempting to regulate through a Conditional Use. Barnes voiced that he is not in favor of fowl but that if there is enough public support the Commission should not deny them the ability. The consensus was to place control of regulations in the hands of the Council through the Animal Control Ordinance. After continued discussion on whether to recommend zoning changes now or wait for Council to amend the Animal Control Ordinance Rodriguez made a motion, seconded by Eller, to recommend to Council a change to the zoning code, adding the following:  
Exception: fowl for personal use may be permitted in residence areas per provision XXX of the adopted Greensburg Animal Control Ordinance. Motion passed 4-1 (Barnes).

### **2013-02-TA Recreational Vehicle Parks in the R-1A District**

Gurnee advised that on June 27, 2012 the Planning Commission recommended to amend the Sustainable Land Development Code by permitting Planned Unit Developments (PUDs) as conditional uses. The City Council concurred and adopted Ordinance No. 1021. The main reason for this amendment to the code was to allow RV parks should the anticipated high demand for workforce housing present itself. Parks would be a temporary use while the demand existed. Currently, RV parks

are permitted as a conditional use only in the R1-B district. A conflict in the code language was not noted at the time. On November 7, 2012 the Commission was presented with a RV park proposal in the R1-A district. Close inspection of the code found that Recreation Facilities are a conditional use in all zoning districts. Listed under Recreational Facilities is Recreational Vehicle Park. The code therefore has two references to RV parks. One limits their possible location in the R1-B district while the other has no location restrictions. Staff recommended that the code be amended to explicitly state that RV parks are not allowable in the R-1A district. Gurnee recommended adding the following to 11.3.T of the Sustainable Land Development Code, directly following "Recreational Vehicle Park (as-of-right nowhere)": (Not to be considered in the R-1A district).

With no comment from the public, Barnes opened and closed the public comment portion of the hearing and opened the meeting for discussion amongst Commission Members. After a brief discussion, Barnes made a motion to approve Staff's recommended addition to the Sustainable Land Development Code. Campbell seconded. Motion passed 5-0.

#### **Staff Items**

Gurnee stated that he was unsure if the Council would amend the Animal Control Ordinance to allow animals in the City, but that citizens have a legitimate right to have 4-H projects.

#### **Adjournment**

With no additional items to be discussed, Barnes declared the meeting adjourned at 7:15 p.m.



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Christy Pyatt - Secretary