

MINUTES
HARVEY COUNTY REGIONAL PLANNING COMMISSION
HARVEY COUNTY BOARD OF ZONING APPEALS
Harvey County Courthouse
Community Room
May 7, 2013
7:00 PM

Members Present: Larry Goering, Clifford Kirk, Teresa Thach, Wayne Alison, Harlan Foraker, Jack Bender, Philip Kimerer, Bonnie Wendling

Members Absent: Dorothy Thiessen, Chad Fuqua, Al Heine, Dr. William Wilson
Staff Present: Gina Bell, Planning & Zoning Administrator, Julie O'Flynn Secretary

Others Present: Kathy Wray, Kevin Wray, Janice Camp, Rollin Camp

At 7:04 pm Chairman Clifford Kirk called the meeting to order.

Clifford Kirk called for approval of the April 9, 2013 meeting minutes. Jack Bender made a motion to approve and Larry Goering seconded. The board voted unanimously to approve the minutes and the motion was carried.

The Director's report was given by Gina Bell. Teresa Thach was introduced as a new member to the board and Larry Emmel has resigned. The City of Sedgwick has submitted Lynne Vigil to replace Larry Emmel. Gina also discussed the ongoing filing project and informed the board that the original parcel book has been sent to Salina for scanning.

Clifford Kirk opened the floor for discussion of Conditional Use Permit #CUP13-01, an Entertainment Venue requested by Kathy & Kevin Wray on the property located at 5420 NW 24th St, Newton KS. Gina Bell gave an overview of the staff report (attached). The Staff Report recommends approval with the following conditions: 1) The water needs to be tested each year, for five years, for safety and drinkability, 2) Traffic flow should be monitored and assistance available if congestion is apparent and 3) Alcohol will not be sold without proper licensing. Jack Bender asked if all the adjacent neighbors had been notified of this application and Gina confirmed that they had. Jack also asked what family use had previously been established at the property and it was explained that there had been weddings and gatherings.

Kathy Wray discussed her vision for the property. They have held several wedding receptions but would like to form a LLC to cover the property for liability purposes. The largest group they have had was 400 people. Parking attendants are required and if alcohol is served there must be security on site. Jack McBee, Fire Marshall of Newton, gave them direction on fire safety and Gina Bell offered that she had called the State Fire Marshalls office and they informed her that each person would require 7 sq ft with no obstructions and 15 sqft with obstructions (ie tables and chairs). Clifford Kirk mentioned that the driveway should be checked to make sure it is wide enough for the fire trucks to turn in. Kathy also informed the Board that the barns are connected to rural water, not a well. Harlan Foraker asked if the home and barns were on separate sewer systems and Kathy verified that they were.

Clifford Kirk declared the public hearing open. There had been no letters of opposition received and There were no attendees present who opposed. The public hearing was closed and the floor opened to the commission for review of the case.

Harlan wanted to know if it was in the Boards power to limit the CUP to the current owners and not let it transfer with the property. Gina explained that yes, it was completely within the Boards power. Jack Bender asked what the term "public convenience" meant and Gina said it was up

to the Boards interpretation.

Philip Kimerer moved to accept the CUP13-01 as proposed by the Staff Report including the staff recommendations 2 and 3 but deleting 1 since the buildings are on rural water. The motion was seconded by Wayne Alison.

Harlan Foraker stated that he would like the condition added that states the CUP will stay with the current property owner and not transfer with the property. Jack Bender was concerned that this might restrict a future sale of the property. **Harlan amended the motion to tie the buildings covered in the CUP to the current owners.**

Philip Kimerer brought up the question of the LLC. Should this change ownership, what would happen to the CUP? Harlan then amended the motion to tie the buildings covered in the CUP to the current owners and any legal entity that they are majority owners of. **This amendment was seconded by Larry Goering.**

Clifford Kirk called for a vote on the amendment to the amendment. The Board voted unanimously in favor and the motion carried. Cliff then called for a vote on the 1st amendment and the board voted unanimously in favor and the motion carried.

Cliff then called for a vote on the 1st motion including the 2nd amendment. The Board voted unanimously in favor and the motion carried.

Clifford Kirk then explained to the Wray's that this recommendation will now go to the Board Of County Commissioners and they can either uphold this decision or veto it.

There was no old business to discuss.

New business items were as follows. The Board of County Commissioner would like the Planning Commission to take a look at redistricting the County and discussing the Board size. Gina will be Sending all the Board members the current district map and a decision will be made by April, 2014. Cliff discussed the different ways that Board members can be appointed either by a City Council or by individual interest. Members should keep in mind who they believe might be interested in representing their area and submit their names.

With no additional items to discuss, Chairman Clifford Kirk adjourned the meeting at 8:20pm.