

Minutes of
Special Meeting of the Governing Body
City of Baldwin City, Kansas
Monday, February 22, 2010, 6:00 p.m.
Baldwin City Public Library

Call to Order

The governing body of the City of Baldwin City, Kansas, met for a special meeting and work session at 6:00 p.m. at the Baldwin City Public Library with Mayor Ken Wagner presiding. In attendance were Council Members Robin Bayer, Tom Farmer, Mike Magers and Bonnie Plumberg. City employees present were Jeff Dingman, Greg Neis, Bill Winegar, and Darcy Higgins.

CALL TO ORDER

Unfinished Business

Mayor Wagner asked to reconvene a work session for discussion of the Planning Commission's recommendations for updates to the city's zoning regulations and subdivision regulations. Councilmember Bayer moved to take the item from the table and reconvene into a work session. Councilmember Farmer seconded the motion which carried 4-0. Councilmember Bayer moved to conduct an informal session. Councilmember Magers seconded the motion which carried 4-0.

- Article 21: Councilmember Bayer asked what triggers curb and guttering requirements on a parking lot. City Administrator Dingman said it would not be part of this document but would be dependent on the design standards and on the storm water plan in that area. Bayer would like to see language added to clarify this item.
- Article 22: Councilmember Bayer asked why there was an exception to the off-street loading regulations for funeral homes. Bayer also asked if applying off-street loading regulations to all districts, including the Central Business District, would create a hardship for any businesses. Bayer asked that it specifically be noted that it does not apply to the Central Business District. Bill Winegar pointed out that Article 13-106 exempts the Central Business District from off-street loading regulations. Councilmember Bayer asked that it be reiterated in Article 22.
- Article 23: Mayor Wagner noted that §23-101(5) should say 'City' instead of County. Councilmember Bayer asked if the current ordinance had the cost of sign requirements listed and if the proposed regulations should include the same information. Councilmember Plumberg questioned "blade signs" such as those that stand off a building's structure and the requirements surrounding those. Mayor Wagner felt the Projecting Signs portion of Article 23 covered these signs.
- Article 24: Councilmember Bayer suggested that a footnote be added that said something similar to "Chart is a summary only. The final decision on bulk regulations should be determined by referencing the appropriate District Article and the text therein."
- Article 25: No comments.
- Article 26: Councilmember Bayer asked why the specificity of the language "...the following Conditional Uses are some of the uses..." David Yearout said some of the uses don't fit cleanly into the specified zones and would need to go through the Conditional Use process. The 40 items listed are the conditional uses that have been clearly identified, but it is not intended to be a comprehensive list. Article 26 points out other instances may exist where a conditional use permit could be applied. Mayor Wagner noted that §26-104(10)(b) should say "City" instead of County. Councilmember Bayer questioned §26-105 where it said "if a particular use ceases to exist for a period of six months..." Bayer wondered if a period of longer than 6 months would be more prudent and asked that this be changed to 12 months, which was agreed on by the other council members.
- Article 27: David Yearout suggested that §27-104 be changed to a time period of 12 months versus 6 months to remain consistent with Article 26. The council supported the recommendation.
- Article 28: Councilmember Bayer felt that a Board of Zoning Appeals should exist separately from the Planning Commission. Yearout said that as rarely as the BZA meets as it is, they spend most of their time trying to understand the regulations before being able to make a decision. Many cities have therefore elected to have the Planning Commission serve as the BZA, which is specifically allowed by state law. Yearout also said that if there was a perception that it was unfair or compromised due process for the planning commission to also serve as the BZA then it was fine to have separate bodies. Yearout pointed out that most of what the current BZA hears will now be heard by the Planning Commission and then appealed to the governing body necessary, thereby further reducing the times when

ZONING
REGULATION
REVIEW

the BZA would need to meet. Councilmember Bayer asked that the Board of Zoning Appeals remains separate from the Planning Commission to which the other council members agreed.

Article 29: Councilmember Bayer noted that §29-109 referenced Seward County and should be changed to “City”. §29-107 should reference “city” instead of County. Mayor Wagner felt §29-110 regarding reports on development activity was an important part of the process and recommended that reports be provided to council on a regular basis.

Articles 30-33: No comments.

Subdivision Regulations

SUBDIVISION
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Article 1: No comments.

Article 2: Councilmember Bayer noted that in §2-102, paragraph 3, first sentence the word “plan” perhaps should be plat. Mayor Wagner asked that the statutory language surrounding the 60 day time period be included in §2-104(7).

Article 3: No comment.

Article 4: Referencing previous discussion on the matter, City Administrator Dingman recommended removing the phrase “shall have a sidewalk on one side of any collector or arterial street” from §4-102(19). Dingman also noted that Councilmember Brecheisen forwarded comments referencing that he would like to not allow open ditch drainage in any new subdivisions, including RLD. Councilmember Bayer felt that §4-102(21) was vague in defining street widths and would like to see something more definite put in place, such a reference to the city’s design standards manual. Mayor Wagner asked if there was a standard in place for Street Lighting in §4-109. Wagner would like to have the specific code for street lighting noted in this section.

Articles 5-7: No comments.

Councilmember Bayer questioned the reasoning for the separate Mobile Home and Recreational Vehicle code. David Yearout said it was created to pull those codes out of the zoning regulations, which no longer have a mobile home district designation as those uses will now be evaluated as conditional uses. Even so, requirements as to the city’s regulation of such parks are needed, and such requirements are set forth in the separate code. Doing so makes them more easily amendable and more readily updated than if the code were to remain a zoning provision.

Council agreed not to address the separate Mobile Home and Recreational Vehicle code at this time, but focus on the zoning & subdivision regulations.

Schedule and announce upcoming Council Committee Meetings and other events.

- A. Public Works/Utilities Committee will meet at 8:30 am, February 23 at Public Works
- B. Public Health and Safety Committee will meet at 4 pm, February 26 at City Hall
- C. Community Development Committee will meet at 4 pm, March 8 at City Hall

Adjournment

There being no further business, Councilmember Bayer moved to adjourn the meeting. Councilmember Magers seconded the motion which carried 4-0. The meeting adjourned at 9:38 p.m.

Darcy Higgins, City Clerk