



# PLANNING COMMISSION MEETING

Tuesday, January 10, 2023 at 7:00 pm

**MEETING LOCATION: 520 N. Commercial Ave**

(Council Chambers)

## 1. CALL TO ORDER / ROLL CALL

Chair opened the Planning Commission Meeting at \_\_\_\_\_(time).

Board Members present \_\_\_\_\_

Board Member absent \_\_\_\_\_

Others present: Shelia Agee, Deputy City Clerk; \_\_\_\_\_

## 2. ADDITIONS / DELETIONS TO AGENDA

Motion \_\_\_\_\_

Second \_\_\_\_\_

## 3. APPROVAL OF MINUTES

Minutes of September 29, 2022, Planning Commission Meeting

Motion to approve minutes as presented.

Motion by \_\_\_\_\_

Second by \_\_\_\_\_

### Attachments:

- **Planning Commission Minutes 9-29-22** (planning-commission-meeting\_minutes\_2022-09-29\_153554.pdf)

## 4. PRESENTATIONS/PUBLIC FORUM

During Public Forum, the Planning Commission Chairperson will ask if anyone in the audience would like to address the Planning Commission. A person wishing to make a statement should approach the podium, state their name and address. Each person will have a 3 minute time limit.

## 5. NEW BUSINESS

CONDITIONAL USE PERMIT

Public Hearing to discuss an application Kansas Flavor, LLC, for a Conditional Use Permit allowing

for the conversion of garage/shed at 302 N Commercial, Sedgwick, KS, to be used as a certified commercial kitchen to produce local products for resident and others.

Planning Commission will take action if questions have been answered.

**Attachments:**

- **Conditional Use Permit Application** (App\_\_\_Checklist.pdf)

**6. UNFINISHED BUSINESS**

**7. ADJOURN**

Motion to adjourn Planning Commission meeting at \_\_\_\_\_(time)

Motion \_\_\_\_\_

Second \_\_\_\_\_



# PLANNING COMMISSION MEETING

## Minutes

Thursday, September 29, 2022 at 7:00 pm

**MEETING LOCATION: 520 N. Commercial Ave**

(Council Chambers)

Click here to visit our: [Facebook Page](#)

### 1. CALL TO ORDER / ROLL CALL

#### **Minutes:**

Vice Chair, Tyler Mosiman, opened the Planning Commission Meeting at 7PM.  
Board Members present Seth Queen, Debbie Harrison, Steve McGinn, Tyler Mosiman, Clint Brown Board Member absent Scott Thomas, Connie Stout  
Others present: Shelia Agee, Deputy City Clerk; Brian Daily, Interim City Administrator; Bryan Chapman, Mayor; Janise Enterkin, City Clerk; Sam Enterkin, Danny Conrady, Beth Sharbutt, Jimmy Sharbutt, Rhiannon Quiring, James Quiring, Tatum Quiring, Phil Meyer-Baughman & Company, Bill Bush-Hv Co Independent

### 2. ADDITIONS / DELETIONS TO AGENDA

#### **Minutes:**

Motion by Tyler Mosiman to approve agenda as presented.  
Second by Seth Queen.

#### **Vote results:**

Ayes: 5 / Nays: 0

### 3. APPROVAL OF MINUTES

Minutes of September 13, 2022, Planning Commission Meeting

#### **Minutes:**

Motion by Clint Brown to approve minutes as presented. Second by Tyler Mosiman.

#### **Vote results:**

Ayes: 5 / Nays: 0

### 4. PRESENTATIONS/PUBLIC FORUM

### 5. NEW BUSINESS

### 6. UNFINISHED BUSINESS

#### **a. Preliminary Plat Review - Cardinal Addition**

#### **Minutes:**

Discussed ground and street level (Water runs East to retention pond). There will be a 3' elevation. Discussed drainage, fencing, fire hydrants, curb & gutter, access through Suelynn, children playing signs, sidewalks, and speed limit reduction.

Motion to approve by Clint Brown, having reviewed the preliminary plat for the Cardinal Addition filed as S/D-22-38, I move that we approve the plat. Seconded by Steve McGinn.

**Vote results:**

Ayes: 5 / Nays: 0

## 7. ADJOURN

**Minutes:**

Motion by Tyler Mosiman to adjourn Planning Commission meeting at 7:29PM. Seconded by Seth Queen.

**Vote results:**

Ayes: 5 / Nays: 0

APPLICATION FOR A CONDITIONAL USE  
UNDER THE ZONING REGULATIONS

This is an application for a conditional use before the City Board of Zoning Appeals.  
The form must be completed in accordance with directions on the accompanying instructions  
and filed with the Zoning Administrator at:

Sedgwick City Hall  
520 N. Commercial / PO Box 131  
Sedgwick, KS 67135

or FAX: 316-772-5592

AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

1. Name of Applicant: Charisse Bausemer - KANSAS FLAVOR  
Address: 302 N. Commercial Ave Sedgwick KS 67135  
Phone: 620-960-4830 Email: Kansasflavor@yahoo.com

Name of Agent, if any: Jim Venn  
Address: 2707 S WORTHINGTON RD. BURRTON KS 67020  
Phone: 620-333-4506 Email: \_\_\_\_\_

Relationship of Applicant to property is that of: Tenant  
(Owner, Tenant, Lessee, etc.)

2. Application is made for a conditional use as an exception, as provided for in Section 10-108 of the City Zoning Regulations, to permit the establishment of:

THE GARAGE/SHOP TO BE ~~CONVERTED~~  
USED AS A CERTIFIED KITCHEN TO PRODUCE  
LOCAL PRODUCTS FOR MYSELF AND OTHERS.

for property located at 302 N. Commercial Ave  
the shop is located directly behind the House.  
and legally described as Section 34 Township 24 Range 01W  
Sedgwick of Sedgwick County, S34, T24,  
R01W, LT 58 & 60 on E Side of  
Commercial Ave.

in the City which is zoned as the R-1  
District.

3. The Applicant or his/her authorized agent, acknowledges:
- a. That he/she has received instruction material concerning the filing and hearing of this matter.
  - b. That he/she has been advised of the established fee requirements, and that the fee has been paid.
  - c. That he/she has been advised of his/her rights to bring action in the District Court of the County to appeal the decision of the Board of Zoning Appeals.
  - d. That all required documents are attached to this Application for a Conditional Use as noted in the instructions.
  - e. That the Board of Zoning Appeals has the authority to require such conditions as are deemed necessary and reasonable in order to serve the public interest.

Signature: Charisse R. Bansemer, Applicant  
Print name: Charisse R. Bansemer  
Date: 11-29-22, 20\_\_

Signature: James Vann, Agent (if any)  
Print name: James Vann  
Date: 11/29/22, 2022

**OFFICE USE ONLY**

This application was received at 3:00 (am, pm)  
on November 29, 2022  
by the Zoning Administrator acting for the Board of Zoning Appeals.

It has been checked and found to be complete and accompanied by the required documents and the fee of \$ 100.-.

Signature: Bryan Chapman, Zoning Administrator  
Print name: Bryan Chapman  
Date: 12-12-, 2022

**Provide copy to:**

• Applicant and/or Agent



## Sedgwick Board of Zoning Appeals

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### CHECKLIST FOR CONDUCTING A PUBLIC HEARING ON A CONDITIONAL USE

#### PURPOSE

*This checklist is to assist:*

- (1) the Chairperson in conducting the hearing;*
- (2) the (Recording) Secretary in an orderly process of minute taking;*
- (3) the Applicant in presenting their request; and*
- (4) any property owners or the persons who have questions or concerns or wish to know their rights in the matter.*

*Although the order of the outline should be followed, the material will need to be modified to relate to the nature and extent of the particular case and the number of persons to be heard. The Chairperson will find it helpful to mark up a checklist on each case prior to the hearing so that important procedural points are not inadvertently missed.*

#### CALL AGENDA ITEM

It is \_\_\_\_:\_\_\_\_ pm and I call Agenda item number \_\_\_\_\_, which is a public hearing on Case No. BZA-CU-\_\_\_\_-\_\_\_\_, pursuant to Section 10-108 of the City Zoning Regulations, requesting a conditional use as an exception, to permit the establishment of \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ on property zoned as the \_\_\_\_\_ District.

We would like to welcome everyone interested in this hearing, and lay out a few ground rules:

1. It is important that you present any information or views that you have as evidence at this hearing, so that findings can be made as a basis of fact for the decision of this Board of Zoning Appeals.
2. This Board is authorized by state statutes to make a decision, appealable only to District Court and not to the Governing Body.
3. After our Zoning Administrator provides us with some background information, I will call upon the Applicant, and then we will hear from other interested parties. After all have been heard, the Applicant will have an opportunity for final comments. The Board will then close the hearing to further public comments and will consider their decision, during which time they may direct questions to the Applicant, the public, and our staff.

4. In presenting your comments, you should be aware that the Board can require such conditions be placed upon the premises and/or the Applicant benefited by the conditional use as may be necessary to comply with the standards set out in Section 10-108C. Such conditions could reduce or minimize any potentially injurious effects of a conditional use upon other property in the neighborhood, and carry out the general purpose and intent of the Zoning Regulations. Failure to comply with any of the conditions attached to a zoning permit for a conditional use shall constitute a violation of the Zoning Regulations.
5. You should also be fully aware that if the Applicant chooses to describe various features of their development plans, the City can only enforce those provisions which are covered in the Zoning Regulations and other City codes.
6. Please write your name and address on the the attendance sheet so we will have a record of who is present, and for any future communications if necessary. Anyone wishing to speak must be recognized by the Chairperson, and give their name and address. Please stand up and speak clearly, so that your comments may be (picked up by the recorder to be) summarized for the minutes by our (Recording) Secretary.

#### **DISQUALIFICATION DECLARED AND QUORUM DETERMINED**

Before we proceed with the hearing, I'll ask the Board members if any of them intend to disqualify themselves from hearing, discussing, and voting on this case because they or their relatives own property in the notification area or have a conflict of interest or a particular bias in this matter.

(Let the minutes show that \_\_\_\_\_ has disqualified himself/herself because \_\_\_\_\_

\_\_\_\_\_ and has temporarily disassociated himself/herself from our Board.)

*(According to our Bylaws, those members who only abstain from voting are still part of the quorum.)*

**I declare that we have a quorum of \_\_\_\_\_ present for the hearing.**

#### **NOTIFICATION**

According to the (Recording) Secretary, a notice for this hearing was published in the official city newspaper, \_\_\_\_\_, on \_\_\_\_\_, 20\_\_\_\_. In addition, notices were mailed to the Applicant and to \_\_\_\_\_ real property owners of record in the area of notification on \_\_\_\_\_, 20\_\_\_\_. Unless there is evidence to the contrary from anyone present, I'll declare that proper notification has been given.

#### **EX PARTE COMMUNICATIONS**

Although we do not encourage such communications, I will ask the Board if any of them have received any ex parte verbal or written communications prior to this hearing. If so, please share them with all the members of this Board.

.....



**APPLICANT'S INFORMATION**

Has the Applicant submitted information with their application to answer the issues in Section 10-108 A1-4?      ☐ Yes      ☐ No

If no, provide explanation: \_\_\_\_\_

**ZONING ADMINISTRATOR'S REPORT**

I call on our Zoning Administrator, \_\_\_\_\_, to provide us with a background report on the case. *(See Conditional Use Report.)*

.....

Thank you for your presentation.

Are there any questions for the Zoning Administrator from the Board or our staff?

**APPLICANT'S REQUEST**

I call upon the Applicant to make his/her presentation on the request, and any response to the Zoning Administrator's report..

.....

Thank you for your presentation.

Are there any questions for the Applicant from the Board or our staff?

**PUBLIC COMMENTS**

I will open the public portion of the hearing now, and ask if there are any members of the public who wish to speak on this case.

- *Recognize (first come, first served)*
- *Obtain name and address*

*(Continue until all public comments are completed. People can also be asked not to repeat what has already been said, but instead to simply indicate that they hold similar views.)*

**WRITTEN COMMUNICATIONS**

Are there any written communications or petitions?

*((Recording) Secretary could be asked to read them.)*

**APPLICANT'S RESPONSE TO PUBLIC COMMENTS**

Does the Applicant wish to respond to the public comments?

**CLOSE THE HEARING**

Hearing no further comments, I hereby close the public portion of the hearing.

There will be no further comments unless the Board wishes to ask questions to clarify information.

## APPEALS BOARD DELIBERATIONS

The Board will deliberate the request.

First, we need to determine if the request is one of the uses under which the Zoning Regulations specifically authorize us to grant a conditional use as an exception. According to the Zoning Regulations, the establishment of a \_\_\_\_\_ in Section \_\_\_\_\_ of the \_\_\_\_\_ District is *(not)* a listed conditional use and, therefore, does *(not)* permit us to consider its approval.

*(If the application does not meet this criteria, a motion should be passed to **not** grant the request based on that reason.)*

To determine whether the evidence presented supports the conclusions of the required findings of fact, the Board will now consider the standards provided for evaluation on pages 2 and 3 of the Conditional Use Report.

*(Determine if the Board agrees with the wording for the six standards provided, or whether rewording is needed.)*

## DECISION

Having discussed and reached conclusions on our findings of fact, as listed in the Conditional Use Report, I call for a motion and, if granted, any conditions that might be attached:

### SAMPLE MOTIONS

#### **To Grant a Conditional Use**

Having considered the evidence at the hearing, and determined that the findings of fact in the Conditional Use Report *(as amended)* support the conclusions as set out in Section 10-108C of the Zoning Regulations which are necessary for granting a conditional use, I, \_\_\_\_\_, move that the Chairperson be authorized to sign a Resolution granting the conditional use for Case No. BZA-CU-\_\_\_\_\_-\_\_\_\_\_ as *(requested)* *(modified)* *(subject to the condition[s] listed)*.

#### **To Not Grant a Conditional Use**

Having considered the evidence at the hearing, and determined that the findings of fact in the Conditional Use Report *(as amended)* do not support the conclusions set out in Section 10-108C of the Zoning Regulations which are necessary for granting a conditional use, I, \_\_\_\_\_, move that the Chairperson be authorized to sign a Resolution not granting the conditional use for Case No. BZA-CU-\_\_\_\_\_-\_\_\_\_\_.

**To Table Application**

Having considered the evidence at the hearing, and discussed the findings of fact in the Conditional Use Report *(as amended)*, I, \_\_\_\_\_, move that Case No. BZA-CU-\_\_\_\_\_-\_\_\_\_\_ be deferred until \_\_\_\_\_, 20\_\_ at \_\_\_\_:\_\_\_\_ pm in this same meeting room for more *(information) (and) (study)* in regard to \_\_\_\_\_.

*(According to Section 10-108E, the Board shall render a written decision within 45 days after the close of the hearing.)*

Having heard the motion by \_\_\_\_\_, is there a second?  
Having been seconded by \_\_\_\_\_, is there any discussion of the motion?

.....

Hearing no further discussion, I will call a vote on the motion.  
All those in favor say, "Aye." All those opposed say, "Nay."  
*(If there is a divided vote, ask for a show of hands and the (Recording) Secretary will record a roll-call vote.)*

The motion *(passes) (fails)* by a *(unanimous)* vote of \_\_\_\_\_ to \_\_\_\_\_.

*(An affirmative vote must be at least a majority of the members present and voting. See Bylaws to settle other voting procedures, including abstentions, disqualifications and Chairperson voting.)*

**CLOSING REMARKS**

A Resolution will be prepared and made available to the Applicant by \_\_\_\_\_, 20\_\_\_\_. If anyone is aggrieved by this decision, a further appeal can be made to the District Court to determine its reasonableness, within 30 days after the Resolution is signed and filed with the Zoning Administrator.

We want to thank all of you for participating in this hearing, and you are welcome to stay for the remainder of our meeting.

I call for Agenda item \_\_\_\_\_.