



**PLANNING COMMISSION JANUARY 6, 2021  
MEETING**

City Hall – 131 N Main St  
January 06, 2021 at 7:00 PM

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**AGENDA**

**CALL TO ORDER**

**ROLL CALL**

J. Albers \_\_\_\_\_ B. Albers \_\_\_\_\_ Block \_\_\_\_\_ Harrison \_\_\_\_\_ Henson \_\_\_\_\_ Gile \_\_\_\_\_  
Kutilek \_\_\_\_\_ Mason \_\_\_\_\_ Rich \_\_\_\_\_ Runnells \_\_\_\_\_ Scott \_\_\_\_\_ Woodard \_\_\_\_\_

**OTHERS PRESENT**

**AGENDA ADDITIONS**

**APPROVAL OF MINUTES**

Motion: Approve the minutes of the September 15, 2020 Planning Commission meeting.

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

**1. Planning Commission Minutes September 15, 2020**

**CITIZEN COMMENTS**

**OLD BUSINESS**

**NEW BUSINESS**

**Business Items**

**Open Public Hearing**

**2. Open Public Hearing**

The Cheney Planning Commission will hold a public hearing to consider a Special Use Permit at 825 Sunset to build a 30' x 56' shed with entrance access off of Sunset Ave. The Special use Permit would tie the shed to the principal dwelling at 325 Evergreen Ct.

(Comments from the Public)

Motion: Close the public hearing on the Special Use Permit at 825 Sunset at \_\_\_ pm.

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

**Consideration**

**3. CONSIDERATION OF SPECIAL USE PERMIT AT 825 SUNSET AVE**

**21.01 Intent of Special Uses-** "Certain uses of land, buildings or structures may not be appropriate under all circumstances in any given zoning district, but may be appropriate where adequate precautions can be taken to assure compatibility with surrounding uses, public need, and the City as a whole."

Brent and Julie Peintner have applied for a Special Use Permit to build a 30' x 56' shed with entrance access off of Sunset Ave. A Special Use Permit is required because the Cheney City Zoning Code states that Accessory Structures are to be located on the lot occupied by the main building. The property owner's dwelling is located west of 825 Sunset Ave at 325 Evergreen Ct, but because of a 20' alley in between the two lots, they are unable to merge the lots together into one parcel to meet the Zoning Code requirement. The Special Use Permit would tie the shed to the principal dwelling at 325 Evergreen Ct.

The lot at 825 Sunset Ave is zoned Manufactured Housing and the shed would be built within the required setbacks and Accessory Structure Guidelines.

Motion: Approve/Deny the Special Use permit at 825 Sunset Ave to build a 30' x 56' shed and tie the structure to the principal dwelling at 325 Evergreen Ct, so if the home was ever sold, the shed would also be required to be sold with it or to an adjacent homeowner.

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

Next Steps:

Section 5.13

B. Action by Planning Commission: A vote either for or against a zoning text amendment, rezoning or special use permit by a majority of all of the Planning Commissioners present and voting shall constitute a recommendation of the Planning Commission. A tie vote, or the failure to obtain a majority vote of the Planning Commission on any motion, shall be deemed to be a recommendation of disapproval. The Planning Commission's recommendation to approve or disapprove shall be submitted to the Governing Body for action, accompanied by an accurate written summary of the hearing proceedings. A recommendation to approve a zoning text amendment shall be submitted in the form of an ordinance.

C. Governing Body action upon Planning Commission recommendation of a zoning text amendment, rezoning or special use permit: The Governing Body may either (1) approve such recommendations by the adoption of the same by ordinance or resolution; (2)

override the Planning Commission's recommendation by a majority vote of the membership of the Governing Body; or (3) may return the same to the Planning Commission for further consideration, together with a statement specifying the basis for the Governing Body's failure to approve or disapprove.

**ADJOURN**

Motion to adjourn at \_\_\_\_ pm.

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

**PLANNING COMMISSION MEETING**  
**September 15, 2020**  
**7:00 P.M.**  
**CITY HALL**

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**MINUTES**

**CALL TO ORDER:** Chairperson David Woodard called the meeting to order.

**MEMBERS PRESENT:** Bret Albers, Melanie Block, Zac Henson, Steve Gile, Zach Henson, Bryan Mason, David Rich, Ryan Runnells, Ryan Scott, David Woodard and City Administrator Danielle Young

**OTHERS PRESENT:** Rick Needham

**Agenda Additions:** None

**Approval of Minutes:**

Commission member Bret Albers moved to approve the minutes of the June 25, 2020 Planning Commission meeting.

Commission member Ryan Runnells seconded the motion. Motion carried unanimously.

**Citizen Comments (Limited to items not on the agenda):**

Rick Needham, owner of Body Forge, has had his business in the community for just over 3 years, but does not own the current building he's in (104 N. Main). The current owner of his building is selling the building to someone else, so Needham would like to move Body Forge to the building owned by Albers (105 Shadybrook) because it's the same square footage as where they're at and he thinks it's a good fit. They currently have about 500 total members at the gym. The move would allow them to continue their business and offer new amenities and services. Needham needs to be out of the current building by the end of October. Needham thought it was in Cheney's best interest to keep the gym as it's an amenity people are looking for and helps communities grow.

Member Block asked about the current use of the building on Shadybrook and if any remodeling would be done. Needham stated the building is currently being used as storage and he has an architect working on adding HVAC and restrooms.

Woodard asked about any other updates to the building. Needham stated that he has someone interested in coming in as a partner to build out another 5,000 sq. feet for an indoor park and space for classes. Right now, his only focus is to finish what is there. He will be obtaining an SBA loan, so if he doesn't do the addition now, he will have to wait 18 months for the SBA loan to season and do the addition later.

**OLD BUSINESS**

**NEW BUSINESS**

**1. CONSIDERATION OF ADMINISTRATIVE EXCEPTION FOR 103 E. SHADYBROOK DR**

Member Bret Albers abstained from discussion and voting.

Woodard stated all members had a copy of the PUD to review that was done for the building when it was built in 2016. Zoning is C-2. It was built for retail/storage. The PUD shows the parking, the future addition, and it was all approved by the Planning Commission. There was also a fence located on the PUD. The property owner, Bret Albers, has talked to the property owner to the south and she mentioned screening between the property. Young stated that according to the City's zoning code C-2 has allowable use for retail or office space, but a gym doesn't fall under either of those. The code stated that a Special Use should be applied for where property owners within 200' would be notified, a public hearing held, and a decision made by the Planning Commission and Council. Young stated staff had gone back and looked and a Special Use had only been done 5 times since 2008. It was found that Special Use Permits haven't been followed in the past, including eating establishments. Young mentioned that a Special Use Permit had been done on the current building Body Forge was located in now in 2008 for Casner's to operate a light manufacturing facility. Rick Needham then took over the building and was never told he had to apply for a Special Use Permit to operate his gym. Young had a hard time requiring Needham to go through the Special Use Permit process when he hadn't been told to get one when he originally started his gym and where several other businesses hadn't been told to follow the code either.

The meeting was called to discuss an Administrative Exception. As the City Administrator, Young said she would look at doing the exception, but wanted to talk to the Planning Commission first. She discussed it with the City Council at their meeting last week and they were okay with allowing the gym to go in. Young thought the Planning Commission also needed to look at the Special Use Code because about 90% of the commercial lots in town are zoned C-2, which really hinders what can be come by anyone looking to come into the community and start a business.

Young asked the Planning Commission about any conditions they might like to see added to the Administrative Exception which could be parking, the fence or other items that the members want to see addressed. The Administrative Exception is a legal document that will be written up and given to Needham.

Member Gile asked what the gymnasium fell under. It was stated that it fell under DD. Which would be allowable under C-2 with a Special Use. Young stated that the Crossfit gym is also in town and was not told to apply for a Special Use Permit either.

Member Henson asked why that was and it was believed to have been an oversight. Woodard thought now that it had been recognized, it was being addressed with the administrative exception and next we should look at the codes and have discussion on how we want to address others in the future.

Member Rich asked if the Administrative Exception was permanent and if it went with the property owner or the property. Young stated it could be worded however they wished, but typically it's done for the property. Rich also asked about signage. Needham stated they would like a lighted sign on the building facing Main Street and possibly a digital sign. They don't plan to have any off-building signage. Woodard stated there was a zoning code addressing signage. Member Henson asked how big the parking area was. Needham said if they added on it would be about 4800 sq. feet in the parking area. If the addition goes in, they'll abide by the original drawing showing the parking to the north where the sidewalk is re-routed. He's also talked to the school about utilizing the parking lot at their building to the north.

Member Runnells asked if they were willing to put the fence up if the neighbor wanted it done. Bret Albers talked to the neighbor to the south and committed to putting in the fence since it was included on the PUD.

Young mentioned that the motion should address allowing the administrative exception and if there were any conditions that needed to be addressed. Young also mentioned that there was a note from the PUD that discussed the required parking and that 3.8 spaces required per 1,000 feet, but the planning commission had allowed only 1.5 parking stalls per 1,000 feet. According to the Parking Code, 3.8 is required for retail/office, but a gymnasium states the City can set the requirement. Young mentioned that his current gym only has 5 parking stalls along the street. City Staff had looked at the street parking around the building at Shadybrook. Young said there would be room for cars to park along the street, but the City would need to paint some of the curb at the corner. The area to the east of the building is about 84' X 84' and has some existing white rock down and could fit about 9 vehicles. Young thought there would be room for parking now if he didn't add the addition right away and add to the parking to the north side. Member Henson asked if there would be enough parking if he did the addition to the east, since it would cut into the parking area. Young assumed that if the addition was done, the new parking area would be added to the north as well. Young counted 21 parking stalls in total on the PUD. Needham thought the most vehicles they have is 10-15 vehicles at a time. Needham asked how many would be required. Young stated the code states it's at the discretion of the City. Needham thought he had some options with the vacant land to the east.

Member Block asked if the building was being purchased or renting it, as she was curious if the planning commission would be discussing this again. Needham stated they planned to purchase it and stay there.

Mason discussed requiring a fence and Block thought the fence should be done. Albers stated they would put the fence up.

Commission Member Melanie Block moved to authorize the issuance of an administrative exception for 103 E. Shadybrook with no exceptions.

Commission member David Rich seconded the motion. Motion carried 9-0-1 with Albers abstaining.

Woodard addressed Albers about the fence on the PUD. Albers thought the neighbor was interested in the fence along the north/south property line. They want to be a good neighbor and will place the fence on south side and questioned the east side. Questioned if the east side fence needed to go up now and wondered if people would drive through the Golden Age Home's property if people are parking there. Needham wondered about putting up some posts to stop vehicles from driving to the east, instead of a privacy fence.

## **ADJOURN**

Commission member Bryan Mason moved to adjourn at 7:44 p.m.

Commission member Ryan Runnells seconded the motion. Motion carried unanimously.

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David Woodard, Chairperson

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Danielle Young, Secretary



P.O. Box 1 • 131 N. Main • Cheney, KS 67025-0997 • (316) 542-3622 • Fax (316) 542-0185

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To:

Owner of Property Located within 200 feet of proposed application of Special Use Permit.

From: Danielle Young, Secretary of the Cheney Planning Commission

Date: December 7, 2020

Hearing Date: **Wednesday, January 6, 2021**

Re: Notice of Public Hearing to Property Owners within 200 feet of 825 N Sunset and legal description listed below.

Lot 7, Block 10, Silver Spur Mobile Home Estates, an Addition to Cheney, Sedgwick County, Kansas

Brent and Julie Peintner have applied for a Special Use Permit to build a 30' x 56' shed with entrance access off of Sunset Ave. A Special Use Permit is required because the Cheney City Zoning Code states that Accessory Structures are to be located on the lot occupied by the main building. The property owner's dwelling is located west of 825 Sunset Ave at 325 Evergreen Ct, but because of a 20' alley in between the two lots, they are unable to merge the lots together into one parcel to meet the Zoning Code requirement. The Special Use Permit would tie the shed to the principal dwelling at 325 Evergreen Ct, so if the home was ever sold, the shed would also be required to be sold with it or to an adjacent homeowner.

The lot at 825 Sunset Ave is zoned Manufactured Housing and the shed would be built within the required setbacks and Accessory Structure Guidelines. The applicants have added that they plan to use siding that is similar to their home and the surrounding neighborhood and will add additional overhang soffits, fascia, and landscaping to make the structure look like it fits in a residential neighborhood.

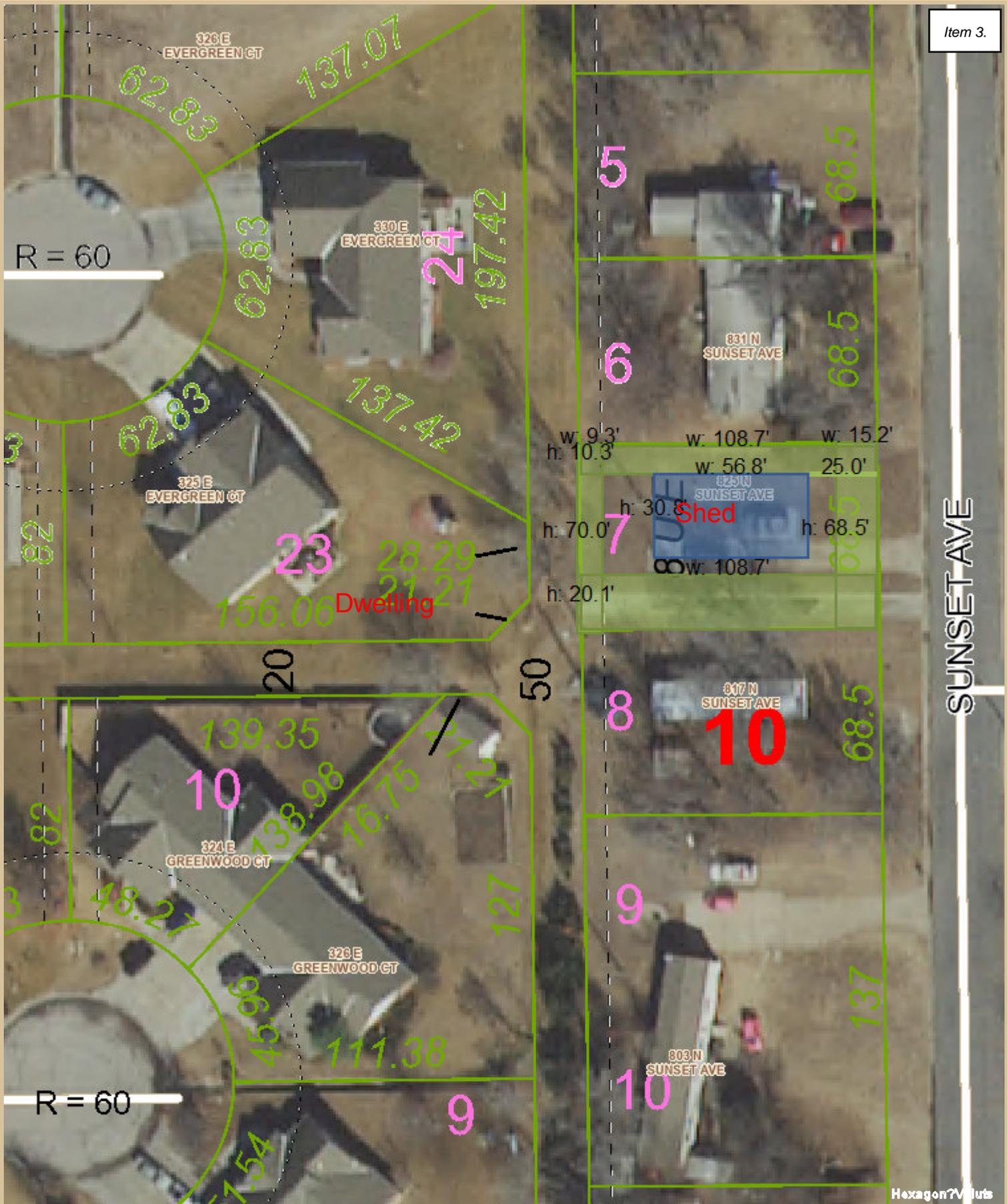
The City of Cheney Planning Commission will be holding a public hearing to discuss this application on **January 6, 2021** at 7:00 pm at Cheney City Hall 131 N. Main St., Cheney, KS 67025. Public comments will be heard at this time. Due to COVID-19 and Sedgwick County's Health Order, mass gathering restrictions may limit the number of people allowed at the meeting. Please RSVP by calling City Hall at 542-3622 by January 4<sup>th</sup>, 2021 if you plan to attend the meeting, so virtual accommodations can be made, if necessary.

If you have questions or concerns about this Permit, you can either attend the public hearing or you can contact me at City Hall during regular business hours to learn more about the application or the Special Use permitting process. Following a decision by the City of Cheney Planning Commission on this application, the owners of property within 200 feet of this property may submit a protest petition, in conformance with the City of Cheney Zoning Code, filed with the City Clerk within fourteen (14) days of the conclusion of the public hearing.

Again, if you have questions about this application or process or if you plan to attend the Public Hearing, I encourage you to contact me prior to the hearing at 316-542-3622.

Sincerely,

Danielle Young  
Planning Commission Secretary



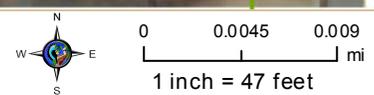
SUNSET AVE

Hexagon? V. luts



Geographic Information Services  
 Sedgwick County...  
 working for you

### Peintner Special Use



It is understood that the Sedgwick County GIS, Division of Information and Operations has no indication or reason to believe that there are inaccuracies in information included in the base map. The GIS personnel make no warranty or representation, either explicit or implied, with respect to the information or the data displayed.  
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