

MINUTES
PLANNING COMMISSION
February 25, 2010
7:00 P.M. – COUNCIL CHAMBER

	<u>Name</u>	<u>Attendance</u>
MEMBERS PRESENT:		
	Bob Bucher	(2-0)
	Jerome Goolsby	(2-0)
	Ann Fisher	(1-1)
	Reba Hebert	(2-0)
	Mark Manville	(1-1)
	Joseph Morrey	(2-0)
	Steve Wenger	(1-1)
MEMBERS ABSENT:		
	Jason Park	(1-1)
	Bruce Taylor	(1-1)

Quorum Present. Five members constitute a quorum.

OTHERS PRESENT: Mike Kellam, City Planner
Ted Elo, Assistant City Attorney
Roger Sparks, City Engineer
Vicki Johnson, Assistant City Planner

Call to Order Chairman Wenger read the regulations adopted by the Planning Commission. He stated that there is a certified copy of Chapters 11, 26 and 31 of the Code of Ordinances available for reference if needed. He then called the meeting to order.

Minutes Mr. Wenger asked for corrections and/or additions to the minutes of the meeting of January 28, 2010. Jerome Goolsby made a motion to approve the minutes as submitted. Ann Fisher seconded the motion and Chairman Wenger called for the vote.

VOTE: Bucher – yes, Fisher – yes, Goolsby – yes, Hebert – yes, Manville – abstain, Morrey – yes, Wenger – abstain.

Ayes – 5, Nays – 0, Abstain – 2. Quorum vote is five votes. Motion passes.

Administratively, Mr. Wenger requested a motion to enter Chapters 11, 26 and 31 into evidence for this meeting. Bob Bucher made said motion; Jerome Goolsby seconded.

VOTE: Bucher – yes, Fisher – yes, Goolsby – yes, Hebert – yes, Manville – yes, Morrey – yes, Wenger – yes.

Ayes – 7, Nays – 0. Quorum vote is five votes. Motion passes.

Postponements/Adjustments to Agenda Chairman Wenger said there are no postponements or adjustments and there is nothing on the consent agenda this meeting.

New Business:

ITEM #1 ST. JOSEPH CASHWAYS, LLC by Gregory Lucas, agent -- Requesting approval of a zoning district change from C-1 Neighborhood Shopping District to C-3 Commercial District at 4204 North Belt Highway in order to operate an automobile dealership.

Staff recommendation: Approval

Mike Kellam said this site is the old Payless Cashways store. Over the years, there have been several proposals for this property including a minor subdivision but nothing has come to fruition. The property is located at 4204 North Belt Highway and is zoned C-1. The current zoning is not consistent with the surrounding commercial corridor along the Belt Highway which is zoned C-3. C-3 zoning is consistent with the Land Use Plan. Furthermore, C-3 does allow an automobile dealership by right. Staff recommends approval of this request.

Joseph Morrey asked what part of the Belt is already zoned C-3. Mike said most everything is zoned C-3; however, there are a few spots of residential on the south part of the Belt Highway. The EBR site is a precise plan that is consistent with C-3 zoning. [Mr. Morrey said something but could not be heard]

Ann Fisher said she thinks the daycare center needs to be completely surrounded and enclosed by a fence. Mike said that will be addressed during development review, but he assured her that a site-obscuring fence or a solid landscaping buffer of evergreen trees would be required.

Mark Benson, 29201 Northeast 85th Circle, Camas, Washington, appeared representing the applicant, Rolling Hills Auto, to explain this request. Mr. Benson gave a short power point presentation showing other sites they have developed in other cities with similar properties. Mr. Benson explained that the car dealership would be a consistent use of the property. He said they cannot promise at this time that the dealership will be able to locate here. They are currently in the feasibility study stage. However, they are investing their time and money to ensure this use would be an equitable use of the property.

Joseph Morrey asked what it will take for them to make their decision. Mr. Benson said first, the manufacturers have to approve this location. Also, banking is different now than it has been in the past; in the process, as they spend money on design work and engineering, they want to make sure all their bases are covered.

No one else appeared to speak in favor of this request. The following people appeared to speak in opposition.

Margaret Justice, 4305 North 31st St., appeared and said she does not want a car dealership adjacent to her back yard. She explained that she does not want to hear paging all night long and she does not want lights from the car lot shining onto her property. Ms. Justice said her understanding is that the dealership intends to construct a street in the rear from Cook Road to Ryan's; she does not want that, either. She asked if taxpayers would be responsible for paying for this street and if so, she does not want her tax dollars being used for that.

Ms. Justice said the sewage system and the storm sewers in the area are already overwhelmed by all the new businesses. Last summer, Ryan's had a sewer back up which dumped raw sewage into the ditch for weeks/months; she said it still smells. The storm sewers are not big enough to hold the amount of run-off they are getting. When Dolgin's was constructed in 1980, an 8 foot pipe was installed from Cook Road to behind 4301 North 31st Street. At that time, the 8 foot pipe was large enough to handle the drainage, but now it is not. Too many businesses have been added and they are all trying to use that 8 foot pipe. She said that in 1993 during the flood, the dam portion of the holding pond was washed away. Since that time, the city has allowed several new businesses in the area, all with parking lots which adds to the drainage problem. About 20 ft. of her back yard as well as several trees have been lost to erosion. The sewer line runs along the west edge of the holding pond, but it will soon be exposed and may even rupture.

Ms. Justice said if the C-3 zoning is allowed, anything from a pig farm to heavy manufacturing could operate at this location. She suggested they check out the property on the east side of the Shoppes for a better place to locate an automobile dealership.

Chairman Wenger reminded everyone that the only thing this hearing is dealing with is the zoning of the property. If this project is allowed to go forward, streets, roads, sewer, drainage, lighting and more will be dealt with in a future phase. Furthermore, Mr. Wenger said C-3 does not accommodate several of the items Ms. Justice mentioned. Mike confirmed that; he said a pig farm or any type of manufacturing uses would not be allowed in C-3. He also explained that a water and sewage treatment plant would require a conditional use permit, which would require another public hearing. A recycling center in C-3 would be bins for collection only; and incidental manufacturing would be something like a candle maker or cabinet shop where the merchandise is produced on a very limited basis. He also said most of the issues brought up by Ms. Justice will be addressed during development review.

Alicia Justice, co-owner of 4305-4307 North 31st Street, said she strongly objects to this rezoning. When she purchased this property, the entire area was zoned for multi-family dwellings and has since degraded to a position that is the worst thing possible for the adjacent duplexes and housing development. Her original intention was to use this property for her retirement, but it is going down the drain if a car dealership is allowed on this property.

No one else appeared to speak in opposition of this application. Therefore, Chairman Wenger closed the public hearing.

[Joseph Morrey asked some questions, but they could not be heard] Mike Kellam said every light has a projection range and staff would ensure that any lighting would not create light pollution on another property. In addition, a 20 ft. evergreen landscape buffer would be required along the property line. Mike also said that most automobile dealerships have their vehicles and lighting in the front.

Ann Fisher said something about new lighting. [could not be heard]

Chairman Wenger asked Roger Sparks for an example of how the drainage problem could be remediated. Roger said the storm water will be no worse, and likely better regulated than it is today. There are ponds, swells, holding basins and pipes. The old basins were only designed to

deal with large storms, not with the every day storms. Our new regulations enable control of the smaller storms during the year and give us much better control.

Margaret Justice asked why nothing has been done about this before now; they have complained about it for years. She said someone at the city told her that this was private property and there is nothing the city will do about it. Roger said that is correct; we deal with storm drainage on city property and we expect private property owners to do the same. The city does not have any regulations to cause it to happen on private property; it is more a civil issue between property owners.

Jerome Goolsby asked for clarification: would a conditional use permit be required before a water and sewage treatment facility could be placed on this property? Mike said yes, and another public hearing before the Planning Commission and one before the City Council would have to occur. The City Council would decide whether or not to grant the conditional use permit.

Chairman Wenger reminded everyone that this hearing is only for the zoning. Furthermore, he said the city cannot remediate something that already exists, but we can keep it from getting worse.

Margaret Justice asked who installed the 8 ft. drain tube from Cook Road to the holding pond. Mr. Wenger said we do not know, and that is not part of what we are doing tonight. Mike said that staff would have to look it up in the records. However, staff will review that if any new development occurs on this property. Mr. Wenger said remediation would have to take place in the future if and when a new development takes place.

Margaret Justice asked if the automobile company would abandon the property for any reason, would it revert back to the C-1 zoning. Mike said no, it would remain C-3.

Bob Bucher said his opinion is that C-3 is the highest and best use for this property.

There were no further questions or discussion. Therefore, Chairman Wenger called for the vote.

VOTE: Bucher – yes, Fisher – yes, Goolsby – yes, Hebert – yes, Manville – yes, Morrey – yes, Wenger – yes.

Ayes – 7, Nays – 0. Quorum vote is five votes. Motion passes.

This item will be forwarded to the City Council with a recommendation of **APPROVAL** from the Planning Commission.

Mike reminded everyone that this is a recommendation to the City Council and anyone can contact the City Clerk, to obtain the date of the City Council meeting when this item will be on the agenda.

ITEM #2 REPORT FROM CITY PLANNER/GENERAL DISCUSSION

- Mike reviewed some of the goals that were laid out during the recent workshop.
 - > Regarding the goal of infill development, Mike said there have been some significant discussions and we are somewhat hopeful that development within the uptown project will begin soon. The demonstration block seems to be well on its way, which is streetscape

upgrades along 10th Street and 11th Street and Church Street. With that, hopefully, the uptown development for the housing will follow shortly after that. That construction is considered to be infill housing

- > Regarding the goal of sustainability and green policy in codes, Mike said that he and Roger attended a conference a couple of weeks ago regarding urban soil and water sediment control and how we can ensure that our environment is more protected and less disturbed. At the conference, there was a good presentation on stream setback ordinances, which are already being used in Kansas City and other communities. This is something that Roger actually mentioned when we were doing our LUP work sessions and he began doing research on it then. Roger has some examples tonight that he will hand out so you can read more about it; this comes from the APWA Code. This is something that we are currently studying and will hopefully submit to you in the future.
- Steve Wenger said we have talked about becoming more active in the planning process in addition to reviewing the applications and appreciate staff's work in that regard.

Mr. Wenger distributed a paper that has a good story to go with it that he wants to share. He said a couple of years ago, or five years ago, Leadership St. Joseph came up with an idea around putting signage on our historic parkway. If you take a look, you'll see an idea of the design and our Parks & Rec Dept. has agreed to install and this design idea will be going up and down the parkway and if you look to the other side, you can see where it's going and you can see an idea of the quality and the look of the sign. Well, the leaders in Leadership St. Joseph, which is a leadership development group, had one funding opportunity after another fall apart but what happened is, in the Community Alliance, one of the elements in there was a marketing committee and they were looking for projects to sort of help put the best foot forward of St. Joseph for the Chief's camp when we start getting visitors, and this plan which had been shelved for a little while got brought back out through the Bode Trust. It's going to get funded and so there will be 30 signs at 16 locations and I just wanted to let you know that we should be quite grateful to the Community Alliance, the Leadership St. Joseph and specifically the City of St. Joseph Parks & Rec Dept. for a very nice planning and stick-to-itiveness to be able to hang in here all this time and just want to acknowledge and thank all those parties that it's possible to contribute to the whole planning process, that we can all make efforts to make St. Joseph a better to live which is really ultimately our purpose. I wanted to call it to your attention and that it will be going to City Council on March 8 for official review, but I just thought you should know it and we want to encourage this sort of activity community-wide and be grateful to all those parties concerned. I didn't know if I could make that a consensus with everybody but I wanted to bring it to your attention and see if we had consensus. We want to encourage stuff like this. Let the record reflect that we are consent in acknowledging all of those parties, Leadership St. Joseph, Community Alliance, the City Parks & Rec Dept. and the Bode Trust. So, thank you for that.

- Bob Bucher recognized Brett Hausman who is in the audience. Mr. Hausman was a Planning Commission member for many years.
- Regarding the stream buffer, Roger Sparks said the APWA code is a code that we use for development but it is currently being administered strictly from Public Works side rather than from the Planning and Zoning. He explained that with the initiation of stream buffering, it is always

recommended that both departments work together to create a buffer zone. The buffer requirement can be administered as part of a storm water issue alone but it is difficult to encumber land that way without the support of the Planning and Zoning codes so this is definitely a starting point. The Kansas City area has developed what they call their “default” buffer zone and the buffer zone grows in accordance with how many acres drain into that particular stretch of the stream. Some of the cities around Kansas City have also adopted this particular approach and worked with their Planning & Zoning to enforce it. Some of these cities require even larger buffers in some areas. There are also many other communities that have different specifications for buffer zones, but likely we would want to focus on the APWA code and specifications that have been developed regionally by all of the cities around Kansas City, including Platte City, Overland Park, Blue Springs, and Independence; they all participated in creating these specifications.

Mike said the changes would likely be within both our Zoning Code and our Subdivision Code to help regulate that. There are some things that we can do to help encourage/allow higher density in areas in exchange for the additional open area or stream buffer so those are things that we will be looking at to try to make it more palatable to developers.

Roger said the buffers will not necessarily have as big of an effect as one might imagine because the DNR reviews these also, and if there is an existing natural stream and somebody requests a land clearance permit to disturb that, DNR will often deny that permit because they do not want the stream disturbed. DNR also encourages us to require a separate sewer system permit to develop a buffer zone. Roger said it is inevitable that we will have to institute something or something will be instituted for us. Staff prefers that we do it first rather than have them do it for us.

Joseph Morrey asked a question but could not be heard. Roger said it is primarily directed at water quality. He explained that you can generally slow down water in several different ways but a natural stream buffer does prevent erosion and the sediments that wash down the stream. It also provides filtering through the grass and the trees and the wildlife and algae and other things growing in the stream bed to clean up the storm water. Therefore, it serves two purposes.

Mr. Morrey asked if we can retroactively enforce stream buffering once instated? Mike said no; any subdivision that was previously approved was approved under the code that was in place at the time. Our current subdivision regulations allow five years from any preliminary plat. If that five year time limit expires, then they have to request an extension at which time it would be necessary for them to follow the current code. If any property ever redeveloped, we would be able to administer that code at that time.

There being no further business, Mr. Wenger adjourned the meeting at 7:45 p.m.

cc: City Clerk
Planning Commission Members
Clint Thompson, P&CD Director
Ted Elo, Assistant City Attorney
Mark Townsend

NOTE: Mr. Morrey, we had a very hard time hearing you throughout this public hearing. Please ensure your microphone is turned on and is at an angle where it can catch your voice. Thanks.