

MINUTES  
PLANNING COMMISSION  
April 22, 2010  
7:00 P.M. – COUNCIL CHAMBER

	<u>Name</u>	<u>Attendance</u>
MEMBERS PRESENT:		
	Bob Bucher	(4-0)
	Ann Fisher	(2-2)
	Reba Hebert	(3-1)
	Jerome Goolsby	(4-0)
	Joseph Morrey	(4-0)
	Bruce Taylor	(3-1)
	Steve Wenger	(3-1)
MEMBERS ABSENT:		
	Mark Manville	(1-3)
	Jason Park	(2-2)

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 March 25, 2010. Jerome Goolsby made a motion to approve the minutes as submitted. Joseph Morrey seconded the motion and Chairman Wenger called for the vote.

VOTE: Bucher – yes, Fisher – yes, Goolsby – yes, Hebert – abstain, Morrey – yes, Taylor – yes, Wenger – yes.  
Ayes – 6, Nays – 0, Abstain – 1. Quorum vote is five votes. Motion passes.

**Postponements/Adjustments to Agenda:** Chairman Wenger said there are no postponements or adjustments for the agenda of this meeting.

**Consent Calendar**

**ITEM #1       JOSEPH MORREY** – Requesting approval of a minor subdivision plan to be known as Woodbine Heights located at 1922 North Woodbine Road. Proposes two lots on property currently zoned C-3 Commercial District.

Staff recommendation: Approval

Minor Subdivisions are approved or denied by the Planning Commission

Chairmen Wenger asked if anyone on the Planning Commission or in the audience would like to pull the consent agenda item. No one did.

Joseph Morrey stated that he will recuse himself from this item.

VOTE: Bucher – yes, Fisher – yes, Goolsby – yes, Hebert – yes, Taylor – yes, Wenger – yes.  
Ayes – 6, Nays – 0. Quorum vote is five votes. Motion passes.

This item has been **APPROVED** by the Planning Commission.

***New Business:***

**ITEM #2 SHARON TRACY** – Requesting approval of a Conditional Use Permit for operation of a day nursery at 3132 St. Joseph Avenue on property presently zoned R-3 Garden Apartment Residential District.

Staff recommendation: Conditional Approval

Mike Kellam said he does not have anything to add to the staff report. Just for information, this site was previously used as a day nursery; conditional use permit for that use was issued in 2007. This would be the same use at the same site. The zoning code states that, “conditional use permits are granted solely for the benefit of the persons specified therein or their immediate family and automatically cease when said person sublets, vacates or sells the land specified therein or discontinues the conditional use granted herein.” Therefore, Ms. Tracy is required to obtain a conditional use permit in her own name.

Staff recommends conditional approval with the following conditions:

1. The “Right out only” sign is to remain in place, as required previously for the prior day nursery, to direct all traffic leaving the property from the southern exit to turn southbound onto St. Joseph Avenue.
2. The facility shall maintain all state mandated annual inspections for Fire Safety, Health and Sanitation requirements of the Missouri State Department of Health and Senior Services.
3. The current chain link fence surrounding the children’s outdoor play area, which is at least four feet in height and has a lockable gate, will be maintained and kept in proper working order.

Joe Morrey asked if the State of Missouri has any licensing for day care centers and if so, do we know the status of that license for this applicant? Mike said yes, there is a state licensing requirement through the Missouri Bureau of Child Care. He explained that we require that document prior to any business licenses or permits being issued. Mr. Morrey said he thinks this request for a Conditional Use Permit is giving her the right to apply for the state license. Mike stated that most applicants run those congruently. Staff requires a background check as well as the state license. Mr. Morrey asked if a condition could be added that the applicant confirm that she has a state license. Mike said it is one of the conditions on the licensing; we can amend the request for Conditional Use Permit as well by adding that as a fourth condition.

Mr. Goolsby asked for clarification on the prior use of this building – specifically, was it being used for this same purpose in 2007. Mike said yes, it would be. Mr. Goolsby asked if the chain link fence will be inspected prior to allowing the operation to open for business. Mike said that is one of

the state requirements; in addition, the city does an inspection of the building prior to issuing a business license. Mike said the city has already done their inspection.

Bruce Taylor asked for clarification of the site plan for the facility. On the bottom of the drawing, there is an activity play area, behind which is a counter and then a door opening to St. Joseph Avenue. He asked how the children would be kept from exiting that door. Mike said that is a question for the applicant.

Reba Hebert stated that when she did a site visit, she did not see any signs of any kind. She asked how the signs would actually direct the traffic. Mike said the right-in sign would be right-in from the north and right-out to the south so as not to cross the traffic.

Mr. Morrey asked if a person cannot come to this business from the south. Mike said a customer could certainly come from the south, but they would have to turn onto Green Street and access the facility from there.

Sharon Tracy, 500 8<sup>th</sup> Street, Bolckow, Missouri, appeared to explain this request. Ms. Tracy confirmed that there are currently no signs, but she will install “Do Not Enter”, “Exit Only”, and “Enter Only” signs. Regarding the door on the activity area, that door has a lock but she plans to put a baby gate across the door in addition to the lock.

Steve Wenger asked if she is aware of the recommended conditions and if she agrees to them as well as to the fourth condition discussed earlier in this meeting. Ms. Tracy said yes.

Reba Hebert asked if there are additional exits other than the main entry door. Ms. Tracy said there is an entry door on both sides as well as a back door on both sides.

No one else appeared to speak in favor of this request and no one appeared to speak in opposition. Chairman Wenger closed the public hearing.

Joseph Morrey made a motion to add a fourth condition which will read, “the applicant will be required to obtain state licensing and approvals for day care from the State of Missouri.” Bob Bucher seconded the motion. Chairman Wenger called for the vote on the addition of a fourth condition as stated above.

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

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

The addition of a fourth condition has been approved. There was no further question or discussion about this item, so Mr. Wenger called the question with the amendment as previously voted on.

VOTE: Bucher – yes, Fisher – yes, Goolsby – yes, Hebert – yes, Morrey – yes, Taylor – 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 with conditions** from the Planning Commission.

### **ITEM #3 REPORT FROM CITY PLANNER/GENERAL DISCUSSION**

- Mike said that last month, staff was asked to submit a report regarding staff's initiatives in relation to what the commission identified as some of their goals throughout the Land Use Plan work sessions.
  - > Downtown Strategic Planning. Staff is working diligently to attract businesses downtown and have seen some come to fruition. We continue to work more on job creation, housing creation, market-rate housing and other economic development tools. We are in the process of finalizing a strategic plan and a feasibility study for a potential downtown convention center and hotel. Working with Hunden Strategic Partners and PGAV as part of the DREAM initiative. Mike requested the full support of the Planning Commission on this item. As soon as the documents are ready, the PC will receive a copy. Mr. Wenger asked when it will be available. Mike said probably within a few months. Joe Morrey asked if there will be any public input on either of these plans. Mike said he is sure the Council will hold a work session.
  - > Ted said that pursuant to Chapter 89 of the Missouri State Statutes, we are required to update the Land Use Plan element of the master plan within one or two years after new census data is received. We should receive that information late this year or early in 2011. Ted explained that it will require another set of public hearings. Steve Wenger said there will be a lot of good input for the land use plan coming up over the next 12-18 months.
  - > Boulevard/Parkway Development. This plan was adopted in June, 2009 with numerous funding objectives included. One of the funding suggestions was general obligation bonds and another was through CIP funding. The next round of CIP will be in 2013. At that time, Mike said he will make a presentation to the CIP board and he will request the Planning Commission support that effort. Mr. Morrey said he would like to see bike lanes added to this plan. Mike said the Boulevard Master Plan includes four foot wide bike lanes. We have been successful in obtaining additional right-of-way in Timber Creek and Greystone subdivisions.
  - > Riverfront Development. There is a Riverfront Task Force of which Joe Morrey is a member. There has been some development, including the walking trail from the casino to downtown. Also, construction on the boat dock should be completed this summer.
  - > In-fill Development. Hope to utilize some of our vacant property within the mid-town and downtown. Staff recently made a presentation to the building community about utilizing in-fill development. No platting is required and infrastructure is already in place. Continue support of the Uptown project (old Heartland campus). This commission will see a potential precise plan zoning along with a plat in the near future.

Joe Morrey asked if any of these items will be presented to the Planning Commission for a recommendation. Mike said yes, the plat for the Uptown Project will for sure, and the precise plan if it is requested. Mr. Morrey asked if the Planning Commission could be advised very early of these items in order to have time for review. Mike said precise plans require a great deal of staff review. He further stated that he agrees that the Planning Commission needs additional time to

review them also, and he will make every effort to see that sufficient time is given. In addition, Mike said he would not be opposed to having a work session to explain the precise plan. Mike also said then Uptown Project expects to bring 250 high quality housing units into this area.

Steve Wenger asked if each of these projects has a task force or other group which members of the Planning Commission could attend. Mike explained that other than the Riverfront Development Task Force, there really is not. However, the Council will undoubtedly hold work sessions for each. He suggested appointing one general person to champion the Planning Commission's position on each of the projects.

Mr. Wenger suggested each Planning Commission member think about these projects and where your interests may lie and we will discuss them again at some time in the future.

- Mr. Wenger said the commission needs to pay attention to the upcoming budget and the fact that changes in the budget could affect our ability to perform our duties. We need to be thoughtful about that and consider how to approach that because our ability to make change depends largely on staff's ability. Perhaps we should come up with something about which we would want to be assertive about soon.

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