

MINUTES
PLANNING COMMISSION
May 27, 2010
7:00 P.M. – COUNCIL CHAMBER

	<u>Name</u>	<u>Attendance</u>
MEMBERS PRESENT:		
	Bob Bucher	(5-0)
	Ann Fisher	(3-2)
	Jerome Goolsby	(5-0)
	Mark Manville	(2-3)
	Jason Park	(3-2)
	Bruce Taylor	(4-1)
	Steve Wenger	(4-1)
MEMBERS ABSENT:		
	Reba Hebert	(3-2)
	Joseph Morrey	(4-1)

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 April 22, 2010. Jerome Goolsby made a motion to approve the minutes as submitted. Bruce Taylor seconded the motion and Chairman Wenger called for the vote.

VOTE: Bucher – yes, Fisher – yes, Goolsby – yes, Manville – yes, Park – yes, Taylor – yes, Wenger – yes.
Ayes – 7, Nays – 0. Quorum vote is five votes. Motion passes.

Postponements/Adjustments to Agenda: Mike Kellam asked that Item #2 from the consent calendar be removed to the regular agenda. No one else had changes to the agenda.

Consent Calendar

ITEM #1 CITY OF ST. JOSEPH – Consideration of an amendment to Chapter 31, by repealing Section 31-050, “*Accessory uses and buildings*” and adopting a new Section 31-050 regarding the same subject. The intent of this amendment is to amend the guidelines for accessory structures and to correct any typographical errors or inconsistencies.

Staff recommendation: Approval

No one appeared to speak in favor or in opposition to this item. Chairman Wenger closed the public hearing and called the question.

VOTE: Bucher – yes, Fisher – yes, Goolsby – yes, Manville – yes, Park – yes, Taylor – yes, Wenger – yes.

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

This item will be forwarded to City Council for final action with a recommendation of approval from the Planning Commission.

New Business:

ITEM #2 BRIAN FORQUER, agent for Hillcrest Plaza 1998, LLC – Requesting approval of a minor subdivision plan to be known as Hillcrest Plaza located at 603 North Belt Highway. Proposes three lots on property currently zoned C-3 Commercial District.

Staff recommendation: Approval

Minor Subdivisions are approved or denied by the Planning Commission

Mike Kellam explained that this is a clean up of a property that is developed but has never been platted. They want to create three lots.

Staff amends their recommendation to conditional approval. Mike explained that there is a need for a reciprocal access easement that we would like tied to the plat.

Roger Sparks said the Faraon Street entrance has always been targeted as a possible signalized intersection that could be used for entrance to this shopping center and to the East Hills mall. Staff recommends they record an access easement so all three properties have the right to use that driveway for access to their property. That easement needs to be filed with the Buchanan County Recorder before we record the plat, or be filed at the same time as the plat.

Specifically, the condition should read that, “a reciprocal access easement shall be executed and recorded before or at the same time as the minor subdivision plat to allow all three lots to utilize Faraon Street entrance and private driveway.”

Brian Forquer, Lutjen, Inc., 1301 Burlington, Kansas City, appeared representing the applicant. Mr. Forquer said that Lot 3 of the proposed minor subdivision has not been sold to East Hills. Roger said it would be nice if they could reach an agreement with East Hills for use of the driveway. Mr. Forquer explained that there *is* an access agreement between East Hills and Hillcrest Plaza. He asked if the staff’s recommended condition just involves the three lots in the proposed minor subdivision. Roger said yes.

Mr. Forquer agreed to the condition recommended by staff.

Bob Bucher asked why they want to split this property into three lots. Mr. Forquer said they want to separate the existing easement and do some future updates to the property and to get it platted, which it is not at this time. This minor subdivision will bring it into conformance.

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. There were no further questions from members of the Planning Commission.

Mark Manville made a motion to add the condition recommended by staff. Bob Bucher seconded the motion.

VOTE: Bucher – yes, Fisher – yes, Goolsby – yes, Manville – yes, Park – yes, Taylor – yes, Wenger – yes.

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

There being no further discussion, Chairman Wenger called the question on approval of the plat with the condition added.

VOTE: Bucher – yes, Fisher – yes, Goolsby – yes, Manville – yes, Park – yes, Taylor – yes, Wenger – yes.

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

This item has been approved by the Planning Commission.

ITEM #3 SUSAN VANCE – Requesting approval of a Conditional Use Permit for operation of a day nursery center at 2848 Jules Street on property presently zoned C-1 Non-Retail Commercial District.

Staff recommendation: Conditional Approval

Mike Kellam stated that a day nursery center is not an allowed use in the C-1 zoning district. In this case, the existing day nursery center had been granted a conditional use permit for the use, but under a different operator's name. Ms. Vance wants to continue the use but was not the original recipient of the conditional use permit, so she is applying for one herself.

Staff recommends conditional approval of the day nursery center with the conditions that the site should pass the city's walk through inspection prior to issuance of a certificate of occupancy; the number of children being cared for shall not exceed 40; the center shall be approved on all state mandated annual inspections for fire safety and health and sanitation inspections; and the fencing in the outdoor play area shall be maintained with a locking gate.

Susan Vance, 3129 Midland, appeared to explain this request. She stated that they will be a (Missouri) State licensed day care taking care of up to 20 children, with four children under the age of 2 and 16 preschoolers up to 6 years old.

Linda Swope, 3005 Rush, stated that she is Ms. Vance's sister and will be working at the day nursery center as well. Vicki Genzel, 28181 Jules Street, stated that she is also Ms. Vance's sister and she will also be working at the day nursery center.

Jason Park asked how long a day care has been operating at this address. Ms. Vance said from 2006 until January, 2010.

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

Jerome Goolsby asked about the conditions already in effect with the previous owner. Mike explained that conditional use permits are granted to a person and not a piece of property. This applicant has to have a separate conditional use permit with whatever conditions the Planning Commission decides should be added.

Bruce Taylor asked if the children will be able to get out the front door, as it faces onto Jules Street. Linda Swope said there are three doors in the building. They will go in and out the side door on 29th Street. The third door goes into the play area. There is a sounding alarm on each door. Mr. Taylor asked if someone will be in the office area in the front of the building to monitor the front door. Ms. Swope said yes.

There were no further questions; Chairman Wenger called the question.

VOTE: Bucher – yes, Fisher – yes, Goolsby – yes, Manville – yes, Park – 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 for final action with a recommendation of approval with conditions from the Planning Commission.

Mike reminded Ms. Vance that this is only a recommendation to the City Council. The final decision will be made at a later date by them. She can contact the City Clerk's office to learn when the Council will be voting on this item.

ITEM #3 REPORT FROM CITY PLANNER/GENERAL DISCUSSION

- Mike said that we currently have three items for the June agenda – a zoning change from C-3 to R-1A, an alley vacation and a conditional use permit for a telecommunications tower.
- Steve Wenger said the city is in the process of working on the budget for the new fiscal year. He said he would like to write a letter to the City Council members extolling the virtues of Planning, the small size of the Planning Dept. staff and the need to keep that staff intact. He wants to include the fact that we will have difficulty reaching our goals without a full Planning staff. He would like to write it on behalf of the entire Planning Commission. All members in attendance agreed that would be a good thing.
- Jerome Goolsby asked about the overall master plan for St. Joseph, particularly as relates to downtown. Mike said in 2001 a master plan was written for downtown and it has been carried out. Also, the DREAM has allowed us to continue strategic planning in downtown. We currently have done feasibility studies including types of development that would be likely to succeed. There is a

strategic plan being finalized that builds off the original 2001 master plan but is more intricate and detailed in how we can achieve the overall success for complete downtown revitalization through housing density, boutique shops, restaurants, entertainment, etc. The downtown TIF was approved last winter which was one of the first major steps in achieving some of the incentives necessary for downtown development. In addition, the city has initiated a building blocks plan. This is a 20-25 year long range plan, being 10-years into it already.

The land use plan was amended last year and the boulevard system master plan was developed last year as well. Mike said we do not really have a true comprehensive plan.

- Mr. Wenger asked each member to be considering which of the special projects they would be most interested in learning about and we will share that information at the next meeting.

There being no further business, Mr. Wenger adjourned the meeting at 7:30 p.m.

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