

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

	<u>Name</u>	<u>Attendance</u>
MEMBERS PRESENT:		
	Bob Bucher	(7-0)
	Ann Fisher	(5-2)
	Reba Hebert	(5-2)
	Joseph Morrey	(6-1)
	Jason Park	(5-2)
	Bruce Taylor	(6-1)
	Steve Wenger	(6-1)
MEMBERS ABSENT:		
	Mark Manville	(2-5)
	Jerome Goolsby	(6-1)

Quorum Present. Five members constitute a quorum.

OTHERS PRESENT: Mike Kellam, City Planner
 Roger Sparks, City Engineer

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 June 24, 2010. Jason Park made a motion to approve the minutes as submitted. Bob Bucher seconded the motion and Chairman Wenger called for the vote.

VOTE: Bucher – yes, Fisher – yes, Hebert – yes, Morrey – yes, Park – yes, Taylor – yes, Wenger – yes. Ayes – 7. Quorum vote is five votes. Motion passes.

Postponements/Adjustments to Agenda: There were none.

Consent Agenda:

Chairman Wenger decided to have a public hearing on the consent agenda item.

ITEM #1 BILLY SCHRUPP – Requesting approval of a minor subdivision plan to be known as Deer Run located at 5400 Pickett Road. Proposes two lots on property currently zoned R-1A Single Family Residential District.

Staff recommendation: Approval

Minor Subdivisions are approved or denied by the Planning Commission

Chairman Wenger opened the public hearing.

Bill Schrupp, 609 North Leonard Road, appeared to explain this request. Mr. Schrupp said he would like to divide one lot into two lots in order to sell the property and there is a good market for two residential houses but not for all the property together.

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

VOTE: Bucher – yes, Fisher – yes, Hebert – yes, Morrey – yes, Park – yes, Taylor – yes, Wenger – yes. Ayes – 7. Quorum vote is five votes. Motion passes.

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

New Business:

ITEM #2 PETER E. BURRI

(a) Requesting approval of a Zoning District Change from C-3 Commercial District to CP-3 Planned Commercial District at 4006 and 4002 South 40th Terrace in order to allow storage and warehousing within multiple buildings. Stored items are identified as printed materials.

Staff recommendation: Approval

(b) Requesting approval of a conceptual plan for a Planned Unit Development to a CP-3, Planned Commercial District.

Staff recommendation: Approval

Mike suggested discussing these items at the same time but voting separately. Chairman Wenger agreed.

Mike said this is a clean-up action allowing the property owner to maintain the business and allow for expansion with careful and planned development of the site.

Joe Morrey asked if the parcels have been combined yet. Mike said yes. Mr. Morrey asked if there is a limit to the number of buildings that can be constructed on this site. Mike said they will only be allowed to develop as per the conceptual plan. If they decide they need to add to this, they will have to submit a new conceptual plan.

Bruce Taylor asked what the big difference between heavy and light manufacturing. Mike explained that light manufacturing consists of distribution/warehousing. Heavy manufacturing includes those uses plus heavier uses that can be more of a health hazard, i.e., chemical processing, food processing. This request is going from a C-3 to CP-3. There are manufacturing uses nearby, but they are light manufacturing uses.

Chairman Wenger asked if the applicant was in attendance. No one responded.

No one appeared to speak in favor of this request and no one appeared to speak in opposition to this request. Chairman Wenger closed the public hearing. There were no questions for staff.

Chairman Wenger called the question on approval of Item 2a) the zoning district change only.

VOTE: Bucher – yes, Fisher – yes, Hebert – yes, Morrey – yes, Park – yes, Taylor – yes, Wenger – yes. Ayes – 7. Quorum vote is five votes. Motion passes.

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

Chairman Wenger called the question on approval of Item 2b) the conceptual development plan only.

VOTE: Bucher – yes, Fisher – yes, Hebert – yes, Morrey – yes, Park – yes, Taylor – yes, Wenger – yes. Ayes – 7. Quorum vote is five votes. Motion passes.

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

ITEM #3 TIM MINSON

(a) Requesting approval of a Zoning District Change from R-1A Single Family Residential District to RP-2 Planned Two-Family Residential District and R-4 Apartment Residential District at 3305 Pickett Road in order to construct a mixed use townhome/apartment planned unit development.

Staff recommendation: Approval

(b) Requesting approval of a conceptual plan for a Planned Unit Development to an RP-2, Planned Two-Family Residential District.

Staff recommendation: Approval

It was agreed that these two items will be discussed at the same time but voted on separately after all discussion.

Mike Kellam stated that the information in the staff report should explain this application. He explained that staff looked at the density levels for this development, and based on the acreage and the number of units, it was below the recommended density level; it is even below what could be allowed under a normal single family residential area at R-1B. He said he has already provided those calculations to the members of the Planning Commission. Mike also said this request is in accordance with the Land Use Plan, as it is a lower density type use based on the number of units. This is a large acreage lot – 6.3 acres. Staff recommends approval of both requests.

Joe Morrey asked what he means when he said it meets the density of R-1A. Mike said R-1B would be the highest density single family zoning; R-1A would be the next one. Mr. Morrey asked about the R-1A specifically since that is what the property is currently zoned. Mike said R-1A allows for 10,000 sq. ft. lots, which is four units per acre. Mr. Morrey said that would be 24

individual single family homes. Mike said R-1B zoning allows up to seven homes per acre. According to the conceptual plan, the proposed development will have 5.8 units per acre. This would be two-family townhomes within the RP-2. The R-4 would allow for three- or four-plex apartments. Even with that type of use, Mike said the units per acre would still be 5.8.

Mr. Morrey asked if all the property is usable for the density computation. Mike said that question is more directed toward a plat, instead of the land use. Mike said the RP-2 will allow for cluster development – closer spatial relation of the buildings to allow for adequate open space and less impact on drainage. This application is what staff would look for on this type of acreage because it does provide ample open space and maintains the natural aesthetics of the property.

Steve Wenger asked what type of impact there would be on traffic. Roger Sparks said this small number of units will not generate enough traffic to even change the nature of the street.

Tim Minson, 507 Alexandria Court, Gower, Missouri, appeared to explain this request. He explained that this development will be dedicated to retired senior citizens. There will be several designs to choose from so they will not look like row houses. Mr. Minson said R-4 is being done throughout St. Joseph in new developments. His intention is to have 3 or 4 ranch homes on slabs.

Mr. Minson explained the procedure he has used with other developments he has done in St. Joseph, meeting the neighbors, explaining his intentions, etc. and said he has done the same with the neighbors in this area.

Robert Bucher asked what level of rent will be charged, which could determine what type of people will live in the homes. Mr. Minson said the townhomes will be for sale, not rent/lease. If the townhomes are successful, he said there won't be a need to build R-4. He explained that if he does build the R-4, one bedroom should rent at about \$750 and two-bedroom for \$850. There would also be a small charge for maintenance. The development will not be low-income, it will not be HUD and the structures will be first class.

Mr. Bucher asked what the townhomes might be priced at. Mr. Minson said probably around \$159,000-\$179,000.

Mr. Morrey asked if Mr. Minson owns this property. Mr. Minson said he will own it, but he does not at this time. Mr. Morrey asked if the sale is contingent upon approval of this zoning change. Mr. Minson said he is not sure what he will do if the zoning change is not approved. Mr. Morrey asked if Mr. Minson is aware that the property is currently zoned for single family residences only. Mr. Minson said yes.

Mr. Morrey said he concerned about the way the “topography raises up behind these two homes that front on Pickett and it's going to be very obvious that this sizable development right behind these homes – this is not a street there – you're have, in fact, but one in behind these homes. It doesn't go anywhere.”

Mr. Minson said the property is not conducive at all to single family homes because of the topography. To make the property buildable, he said they will have to level much of the ground to bring up the low end so it can be built on.

Mr. Minson also stated that he has offered to plant trees around adjacent properties, and construct fencing if necessary, to help buffer the proposed development from those homes.

Ann Fisher asked if there will be only one inlet. Mr. Minson said yes. She asked if the condos will be single or two-car garages. Mr. Minson said there are plans for some of each. She said she is concerned about the traffic on Pickett Road.

Bruce Taylor asked what proportion of the property will be paved, including driveways and off-street parking. Mr. Taylor said his concern is about drainage and the effect this development will have on the neighborhood. Mr. Minson said he has made an agreement with the City to reroute the sewer. There are current problems with water and drainage. Regarding run-off, Mr. Minson said if he gets to go forward to a preliminary plat, he will be required to submit a plan showing water control detention basins and a water plan that guarantees the run-off will be equal to or less than it currently is.

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

- Ray Madinger, 3302 Pickett Road, said the city is having a lot of problems with the drainage. He submitted a plan showing what the 100-year flood would do to his property line. Mr. Madinger said additional buildings and concrete will cause the water to go directly to the creek every time it rains. There is no drainage on the streets. This is beginning to be a very big problem all the way down the creek.
- Ed Murphy, 3510 Harbor Pointe Drive, appeared representing his father, Bob Murphy, 3317 Pickett Road. Mr. Murphy's property is adjacent to the proposed R-4 area. All along Pickett Road are only single family homes in an established neighborhood that has large lots. Mr. Murphy said the zoning change would not be good for the property owners in the neighborhood. He asked about street lights, traffic of 96 cars and 100 additional families. This would be a significant invasion of residents. In addition, Mr. Murphy said this will lower the value of his father's property.
- Kevin Cummings, 3501 Pickett Road, said he is not opposed to the property being developed as single family residences, but he is opposed to any other zoning. Mr. Cummings said there are no sidewalks along Pickett Road and he is wary of the increase in traffic.
- Mike Frank, 3212 Pickett Road, said this is an established single family neighborhood. Traffic is already a huge issue along Pickett Road and this will just add to that. He particularly does not like the idea of apartment buildings in this neighborhood.
- Thad Wahlert, 3220 Pickett Road, said he agrees with the people who have already spoken, and he is opposed to this development.
- Randi Wahlert, 5604 Pleasant Avenue, said Thad Wahlert is her son. She thinks construction of this development will cause his property values to go down. Any development in the area will increase the traffic. This is a nice old neighborhood and they do not want to see the zoning changed.

- Harley Weigart, 3313 Pickett Road, thinks this development will affect everyone in the neighborhood. He wants the property to remain single family.

No one else appeared to speak in favor or in opposition to the request. Chairman Wenger closed the public hearing, then asked Mr. Minson if he would like to respond to any of the statements.

Mr. Minson reminded everyone that all property annexed into the city is automatically zoned R-1A. He said that in his opinion, this particular property does not lend itself to R-1A. He appreciates all the comments made by the people in the neighborhood and if this is approved, he will do everything possible to make it a good addition to the community.

Bruce Taylor referred to the fourth finding on the staff report, "The proposed use will benefit adjacent land uses and provide safer and more accessible entrances, as well as provide new and additional pedestrian walkways in and around the development area." He asked for some additional information on this.

Mr. Minson said he heard from some of the adjacent property owners that walkers/runners/bikers from the walking trail along the golf course cut through their yards to get to Ajax Road. The development will have sidewalks throughout it, which should move those trespassers out of the yards of the single family residences.

Mr. Minson said the regulations in St. Joseph are very strict about access and egress, but those details would come with a preliminary plat. The preliminary plat would have to come to the Planning Commission.

Ann Fisher asked if he ever considered constructing only duplexes at this location. Mr. Minson said yes, he had considered it. She said she is opposed to rentals. He said there are some senior citizens who cannot afford a duplex, but could afford something that's an apartment situation. Mr. Minson said he is not opposed to dropping the R-4.

Joe Morrey asked if he would be willing to build triplexes instead of four-plexes. Mr. Minson said his intention is to build triplexes although the R-4 zoning would allow four-plexes if he finds that is necessary. Mr. Morrey asked about the cul-de-sac. Mr. Minson said the cul-de-sac is not part of this project. When the engineering firm drew up the conceptual plan, they inadvertently included the adjacent property which does have a cul-de-sac. He said he has offered to purchase that property from the owner, but there is nothing firm in the works at this time.

He explained that the first construction to occur will be the townhomes off Ajax Road.

Bob Bucher said the city is not promoting this development; anyone can come to the city and make application for a development such as this. It is then the city's responsibility to check out the development. If the project meets all city requirements, the city recommends approval. However, that does not mean they are in favor or opposed to the development. The approval on this staff report says that all city requirements are met with this development.

Joe Morrey asked what the difference is between a) and b) since they will be voting on them separately. Mike said a) is for the zoning district change only and b) is for the conceptual plan which is the site plan. Mike explained that any planned unit development (PUD) must be accompanied by a conceptual development plan. Mr. Morrey said the land use plan for this area is single family residential. Mike explained that the land use plan designates this area as low density residential. That is why we calculate the density as discussed earlier. Mike explained that the density is not based on the zoning district but on the intended use, i.e., number of units to be developed.

Mr. Morrey asked if Mr. Minson would be limited in the number of units he could have in the R-4 area. Mike said no, it would be based on the representation by Mr. Minson. Mike said we have talked about how current planning practices encourage mixed development.

Reba Hebert said the land use plan states that low density land use will have a density of less than five units per acre. Mike said if you cross that information with the residential development planning handbook which says low density is 6.5 units per acre, staff thinks 5.8 units per acre is an acceptable level. Mike also said the minimum lot area for multi unit housing is 1,000 sq. ft. per unit in R-4 zoning.

Jason Park said he is concerned about the amount of traffic influx that would occur on this street. Mike reminded everyone that this road is one of the identified boulevards within St. Joseph; it is also classified as a minor arterial. Therefore, all future street plans tied to this roadway will be for increased capacity. That is why we would require additional right-of-way from the developer.

Roger Sparks said much of the traffic on this part of Pickett Road is pass-through traffic. There are not that many residences and it is not high density. Roger said if the property were developed with single family residences, they would generate significantly more vehicles per house than an apartment does. The proposed development would not generate much traffic.

Mr. Park said the established neighborhood is single family homes on large lots. Roger agreed but said we could not keep a developer from building the maximum number of single family homes on the property if that is what they chose to do.

Steve Wenger asked what improvements, if any, would be made to Pickett Road at the point where it is adjacent to this property. Roger said we would not require the little amount of frontage along Pickett Road to have improvements, based on the fact that the entire length of Pickett needs curb and gutter, sidewalks, and so on.

Ms. Hebert referred to the table on page 44 of the Land Use Plan which does not have R-4 listed in low density; recommended zoning is only R-1 and R-2. Mike said that is correct; however, in this particular situation the application meets that of a low density use.

Joe Morrey asked if R-2 allows for two-family townhouses. Mike said yes. Mr. Morrey said if this development is not approved, perhaps Mr. Minson would re-apply with a development of only R-2 and no R-4.

Ann Fisher asked if this could be tabled to let Mr. Minson consider having only R-2. She said she would not vote for approval of the plan as it is. There are already too many additions going into Pickett Road. Pickett Road has not been improved anywhere except on the east end where there are no homes. She said Pickett Road is a disaster from Cardinal down to Commercial. There are low income apartments that have dropped into the schools; more rental units would also drop more into the schools. Pickett and Skaith (schools) are overloaded. She thinks the traffic would be too much with an R-4 and she does not think it would be good for the neighborhood.

Tim Minson said he would be happy to have this item tabled until August. He said he will drop the R-4 from the entire area and submit an amended conceptual development plan.

Ann Fisher made a motion to table both the zoning district change and the conceptual development plan until the next regular Planning Commission meeting in order to give the developer time to amend his application. Reba Hebert seconded the motion.

Bob Bucher asked if we would be able to have another public hearing if this item is tabled. Mike said the public hearing has already been open and closed. Without legal counsel in attendance, he is not sure if another public hearing would be allowed next month or not. Mr. Bucher said he wants to ensure the neighbors have an opportunity to express their opinions about an all RP-2 development.

Jason Park said he wants to make sure the residents and property owners are made aware of any future public hearing and be allowed to speak on the amendment. Mr. Bucher and Mike both agreed.

There was a brief discussion on how to handle this situation. Mr. Wenger asked if we can add to the motion on the floor a provision that there will be another hearing. Mrs. Fisher added that to her motion; Ms. Hebert seconded. Mr. Bucher asked if the property owners would be notified of the date of the hearing. Mike said that those people in attendance will have the information about the tabled hearing and can spread the word in the neighborhood. The next meeting will be August 26, 2010 at 7:00 p.m. Mr. Morrey said he does not want to have another public hearing if Mr. Minson does not change the application.

Ann Fisher amended her original motion to require a public hearing at the August meeting. Ms. Hebert seconded. Chairman Wenger called for a vote on the motion to table this item until August 26, 2010 at 7:00 p.m. at which time either this public hearing will be re-opened for public comments or a new public hearing will take place.

VOTE: Bucher – yes, Fisher – yes, Hebert – yes, Morrey – yes, Park – yes, Taylor – yes, Wenger – yes. Ayes – 7. Quorum vote is five votes. Motion passes.

Ann Fisher amended her amended motion in order that the Planning Commission would have to vote on two parts of this item, each to table until August 26, 2010 at 7:00 p.m. The two votes would be for a) zoning district change, and b) conceptual plan. The first vote has already been taken. Bob Bucher seconded.

Chairman Wenger said the first vote was for a) the zoning district change. He then called for a vote to postpone item b) conceptual plan.

VOTE: Bucher – yes, Fisher – yes, Hebert – yes, Morrey – yes, Park – yes, Taylor – yes, Wenger – yes. Ayes – 7. Quorum vote is five votes. Motion passes.

These items will be revisited on August 26, 2010 at 7:00 p.m. in the Council Chamber.

ITEM #4 JOANNE GLAWSON – Requesting approval of a conditional use permit to operate a dog kennel at 3402 Scott Street on property presently zoned R-1A Single Family Residential District.

Staff recommendation: Approval

Mike Kellam said he has nothing to add to the staff report. He did remind everyone that some letters were received about this item and he distributed those to each member before the meeting began. Mr. Wenger said there was a letter from Dave Doolan and one from Ms. Glawson.

Ms. Glawson said the second letter was from a doctor explaining a debark procedure.

Joanne Glawson, 3402 Scott Street, appeared to explain this request. She said she does not consider her operation to be a kennel because raising papillon dogs is a hobby of hers. She raises them in order to show them. She is requesting approval to be able to continue to raise and show the family dogs. She does not want to increase or enlarge the operation. Ms. Glawson said she does not breed dogs to sell puppies, but that is a side effect of every dog not being of show quality. When there are puppies that are not kept for show, they are sold to the public and not to pet stores.

Ms. Glawson said papillon dogs are a toy breed and hers have all been debarked. She had a barking issue with Animal Control in April, 2010 and that is when she started having the dogs debarked.

Bob Bucher asked how many pets she has – the staff report states that she breeds one litter of puppies per year. Ms. Glawson said papillons average two to five puppies per litter. She said she currently has six breeding females; two to three of them have a litter each year, of which they usually keep one puppy from each litter. Ms. Glawson stated that she has 17 dogs of which 13 are papillons plus she currently has five puppies.

Steve Wenger asked if she intends to keep this many dogs. She said yes, varying by maybe two. Jason Park asked if she usually has fewer than 30 dogs. She said yes.

Bruce Taylor asked where the dogs are housed. Ms. Glawson said there is a back room off the kitchen that is the dog room. The dogs are put out 30-60 minutes three times a day, not all at one time. Mr. Taylor asked if the conditions in the dog room are good. Ms. Glawson said yes, the State of Missouri has inspected and approved the dog's living conditions. The inspector's only comment was that she needs to enlarge some of the kennels.

Joe Morrey asked if she has any outdoor kennels. Ms. Glawson said no, the dogs are kenneled in the house (individual large wire kennels). Mr. Morrey asked if the back yard is fenced. Ms. Glawson said yes. Mr. Morrey asked if most breeders have that many dogs. Ms. Glawson said no,

most of them have many more. She also said she will do no expansions on the exterior of the house or yard.

Ann Fisher asked how long she has lived at this address. Mrs. Glawson said since 2003 and she has had the dogs for about five years.

Ms. Glawson said after purchasing three breeder's licenses in one year from St. Joseph Animal Control, they advised her that she needs to register with the State as a hobby show breeder. It was at that time that she learned she needed to obtain a conditional use permit. She explained that she is not changing anything she has already been doing for the last four or five years, she just previously was not aware that she needed a conditional use permit.

Chairman Wenger opened the public hearing. The following people appeared to speak in favor of this request.

Pamela Glawson, 8600 North Hickory, Kansas City, Missouri, appeared to attest to the health and well being of the dogs under the care of JoAnne Glawson. This is not a puppy mill.

Lori Karrasch, 1703 Crescent Drive, stated that she purchased a papillon from JoAnne Glawson and he is very healthy and well adjusted.

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

LeAnn Roades, 3333 Pacific Street (also owns 3401 Pacific Street) appeared to speak in opposition. She explained that the kennel is proposed to be allowed directly behind 3401 Pacific Street. Mrs. Roades said she recently counted 19 papillon dogs, a few larger dogs, some puppies and cats at the Glawson residence. She said she is concerned about the number of dogs and the distinct odor emanating from that property. Mrs. Roades believes a kennel is not appropriate in a residential neighborhood. She thinks it lowers the property values.

Lonita (Lonnie) Taylor, 3401 Pacific Street appeared to speak in opposition to this request. Mrs. Taylor said Ms. Glawson takes excellent care of the dogs; that is not the issue. The issue is that there are too many dogs. One day, she counted 20+ papillons, two Aussies and a Saint Bernard, not counting cats. This is too many dogs. Ms. Taylor said even if you pick up dog feces, the urine still soaks into the ground and the smell is awful some days. Ms. Taylor said she checked with Animal Control and was told that you can have as many dogs as you want.

Larry Jones, 3407 Pacific Street, said most of the neighborhood people take good care of their property. However, Ms. Glawson's property has steadily deteriorated. There is brush growing around the foundation and the fence line and the carport is piled with trash. Their van has a big sign advertising their dogs. He thinks they are promoting and building up a business. Mr. Jones asked how many dogs they can have if it is approved as a kennel. He also said he knows of a similar situation wherein the presence of the kennel in a residential neighborhood brought the property values down significantly.

Jerry Johnson, 3409 Pacific Street, said 20 dogs is too many. He said he has counted 24 of the papillons in the lot at one time. He is concerned about his property value going down.

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

Mike said he has talked about this case with Steve Norman of Animal Control who has not indicated there is a limit to the number of dogs allowed in a residence.

Mr. Morrey said he would like to know how many dogs an individual can have on a property; there must be a health issue. He presumes if you are a licensed breeder, you can have as many as you want. Mike said the Zoning Code does not have a limitation on the number of household pets you can have.

Ms. Glawson said she does not know what the limit is inside the City, but she is staying within the show breed/hobbyist registry which is under 10 females. She also stated she is not planning on the operation getting any bigger. Ms. Glawson said they mow and cut the grass and the trash people did not pick up all the trash recently, so she plans to call them.

Ann Fisher asked how many dogs the State would allow. Ms. Glawson said they base everything on breeding females. The registry she is making application for is less than 10 breeding females.

Jason Park asked what the consequences would be if this conditional use permit is denied. Ms. Glawson said she would have to get rid of all her dogs if the permit is not granted. Mike said she needs the conditional use permit in order to sell the dogs. He said Animal Control does have some concerns or violations that are requiring her to get the breeder's license. Ms. Glawson said it is because she has more than two breeding females.

Mr. Wenger asked for an explanation of a conditional use permit. Mike said conditional use permits are granted to a specific person for a specific use at a specific address. Once that person stops the use or changes addresses, the permit becomes null and void.

Mr. Morrey said she would not necessarily have to remove all the dogs. If she would have only two breeding females, she could keep all of them.

Ms. Glawson said she was not aware that odor was an issue in the area. She said she will purchase a spray that will help alleviate that. Ms. Glawson also stated that besides the papillons, she has one Aussie, one St. Bernard and one Collie. She also said she occasionally breeds other people's females that live out of the city.

Mike reminded members of the Planning Commission that they can place conditions on approval of a conditional use permit if they so desire.

Jason Park asked if there are other conditional use permits approved for kennels in a residential area. Mike said not that he is aware of.

Reba Hebert made a motion that a condition be added to limit the number of breeding females to 10 or less (hobby level). Steve Wenger seconded the motion. After a brief discussion, Mrs. Hebert amended her motion to limit the number of breeding females to 6 or less. Steve Wenger seconded the amended motion.

Mr. Wenger called the question for adding a condition that the number of breeding females shall be limited to six or fewer.

VOTE: Bucher – no, Fisher – no, Hebert – yes, Morrey – abstain, Park – no, Taylor – no, Wenger – yes.

Ayes – 2, Nays – 4, Abstain -- 1. Quorum vote is five votes. Motion fails.

Jason Park asked if approval of the conditional use permit would allow her to place kennels outdoors and do other kennel-type activities. Mike said exterior kennels would be considered accessory structures and would, therefore, require permits. They would still be subject to all Animal Control, Property Maintenance and Health Codes as well.

Mr. Park said from a land use standpoint, the Planning Commission is charged with determining whether this is in harmony with the general purpose of the area.

Mrs. Hebert asked how many years Ms. Glawson has been operating at this address. Ms. Glawson said about six years. Jason Park asked if she has a business license to sell the puppies. Ms. Glawson said no.

There were no further questions; Chairman Wenger called for the vote.

VOTE: Bucher – no, Fisher – no, Hebert – no, Morrey – no, Park – no, Taylor – no, Wenger – yes.
Ayes – 1, Nays -- 6. Quorum vote is five votes. Motion fails.

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

ITEM #5 JOBES ADDITION – A minor subdivision approved by the Planning Commission on December 17, 2009, which has not yet been filed with the Buchanan County Recorder of Deeds within the prescribed 90 day filing period due to title discrepancies. Section 26-46(i) requires further action to be taken on the plat, including but not limited to, revocation of approval, or imposition of additional conditions.

Mike said there is nothing to add to the staff report. There have been some title issues and they are still waiting on the title company to come through with that. Mike explained that since it is beyond the 90-day period for filing with the Buchanan County Records office, the Zoning Code requires the Planning Commission to review the plat again. They can then choose to extend the approval to a specific date, request additional information or deny the subdivision plat. He said this is similar to the situation with Twenty Oaks Plat off Bishop Road in that it was not filed within 90 days.

Mr. Wenger asked if this is just a slow down in the process – does the applicant still want to resolve this. Mike said yes, but he does not want to plat the property until he has purchased the property.

Bruce Taylor asked if this is a boundary line move. Mike said yes, there was some tract ground behind the property that they wanted included in their lot. The tract ground was under a separate legal description and was not platted. In addition, they want to purchase six or seven feet of the neighbor's property to facilitate a driveway widening. Mr. Taylor said the driveway has already been poured. He asked if people often begin the work before it is approved. Mike said yes, they can advance at their own risk.

Mr. Morrey asked if the Jobs' were notified about this hearing. Mike said yes; they asked that the Planning Commission give them an extension so they can get clear title to the properties involved.

Jason Park made a motion to give the applicant 90 days from today to file the plat with Buchanan County Recorder of Deeds. Bruce Taylor seconded the motion.

Chairman Wenger called for the vote.

VOTE: Bucher – yes, Fisher – yes, Hebert – yes, Morrey – yes, Park – yes, Taylor – yes, Wenger – yes. Ayes – 7. Quorum vote is five votes. Motion passes.

This applicant has been granted a 90-day extension from today's date to have the plat filed. (90 days is October 20, 2010).

ITEM #6 REPORT FROM CITY PLANNER/GENERAL DISCUSSION

- Mr. Wenger asked for staff's report on the telecommunications towers. Mike said we are still working on that.
- Mike said the City Council postponed voting on the amendment to Section 31-050, Accessory Buildings. Steve Wenger, Bruce Taylor and Reba Hebert attended the Council Planning & Zoning Committee meeting. Mike thanked them for their attendance. He said Council has removed that amendment and directed Mike to put together a stakeholder committee to negotiate some acceptable standards for metal buildings.
- Bob Bucher said he was concerned about the number of dogs being allowed at the residence. He thinks we should have a limit of the number of dogs are allowed in residences based on the size of the yard or house. Mr. Morrey said we limit the number of vehicles that can be in a yard; he thinks we should limit the number of dogs. Mr. Bucher said he thinks we should get something started on limiting animals. Mike said that should be initiated from Animal Control; Mr. Bucher asked if Mike would be a conduit between Planning and Animal Control. Mike said he will contact Rick Smith and advise him of the concerns of the Planning Commission members.
- Joe Morrey said there was an article in *The Commission* about having youth join the Planning Commission. They would give a perspective on some of the issues that we are not necessarily considering. After a brief discussion, it was generally agreed that a college student may be selected

to serve in an ex-officio capacity for a period of one year. Mr. Wenger asked Mike to see what the proper way to go about doing this would be. He said he would contact Missouri Western about the possibility from their perspective.

- Mike said that at this time, we have one application for next month for a minor subdivision plus the Minson development which was postponed this night. There is still more than a week before the filing deadline, so more could be submitted.
- Reba Hebert said she struggled with the Minson request. She has learned we have to have some flexibility but found herself looking for a reason not to be flexible. She said her question is, “what *really* is our role?” Mr. Wenger said it really is the voice of the people or the voice of the developer. He said we want to encourage the multi-use idea in the City because it is something that is a future trend. He continued by explaining that the request for R-4 zoning was pretty contentious. Jason Park said he thought we were comparing mixed use on two different scales, talking about comparing all these much larger acreage projects of mixed use and this one was smaller. Mike said you have to take into account the amount of area available, what the intent is, and how the structures are placed on the property. He explained that it is not a conducive area for a high rise complex. Mike also said he thinks the R-4 was something that they made a good argument for. He also said that staff had some of the same concerns as the Planning Commission members. He explained that is the reason we have numerous meetings with the developer -- to find out what the intentions are, what could actually happen on that property, what we would allow as far as traffic congestion, things of that nature. He said staff puts all those things together in making a recommendation. As a matter of fact, Mike said staff is here to do that homework and it’s perfectly fine for the Planning Commission to have those questions yourself and let us answer them. After further discussion, it was agreed that an amiable compromise was going to at least be considered. Several commission members think the proposed development could be a very good addition to the neighborhood.

There being no further business, Mr. Wenger adjourned the meeting at 9:48 p.m.

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