

MINUTES
PLANNING COMMISSION
August 26, 2010
7:00 P.M. – COUNCIL CHAMBER

	<u>Name</u>	<u>Attendance</u>
MEMBERS PRESENT:	Bob Bucher	(8-0)
	Jerome Goolsby	(7-1)
	Reba Hebert	(6-2)
	Mark Manville	(3-5)
	Jason Park	(6-2)
	Bruce Taylor	(7-1)
	Steve Wenger	(7-1)
MEMBERS ABSENT:	Ann Fisher	(5-3)
	Joseph Morrey	(6-2)

Quorum Present. Five members constitute a quorum.

OTHERS PRESENT: Mike Kellam, City Planner
 Roger Sparks, City Engineer
 Ted Elo, Assistant City Attorney
 Bruce Taylor, Civil 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 July 22, 2010. Bob Bucher made a motion to approve the minutes as submitted. Jason Park seconded the motion and Chairman Wenger called for the vote.

VOTE: Bucher – yes, Goolsby – abstain, Hebert – yes, Manville – abstain, Park – yes, Taylor – yes, Wenger – yes.
Ayes – 5, Abstentions – 2. Quorum vote is five votes. Motion passes.

Postponements/Adjustments to Agenda:

Mike suggested having the public hearing on Items #2 and #3 first, followed by Item #1. He explained that Item #1 is a re-application and not a continuation of the prior meeting. This change to the agenda was agreed upon by general consensus.

ITEM #2 JEFFREY RICH – Requesting approval of a minor subdivision plan to be known as Rich-Mitchell Subdivision located at 1817-1819 Mitchell Avenue. Proposes two lots on property currently zoned R-2 Two Family Residential District.

Staff recommendation: Approval

Minor Subdivisions are approved or denied by the Planning Commission

Mike said this minor subdivision is actually a clean-up action. The property has two homes that are located on one lot. The owner wants to sell one of the homes, but cannot do so until the property has been subdivided to provide a separate legal description for each of the two homes. Staff recommends approval of this request.

No one 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, Goolsby – yes, Hebert – 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 CITY OF ST. JOSEPH – Requesting the vacation of an unimproved portion of Chambers Avenue beginning at Cornell Avenue and going north approximately 345 feet in length and 50 feet in width.

Staff recommendation: Approval

Mike said this is an unimproved right-of-way given to the city when the subdivision was dedicated. He said the city has no plans to ever improve the right-of-way. Staff recommends giving the property back to Lot 4 since that is where it came from.

Bob Bucher asked if all the adjacent property owners agree that it goes to Lot 4. Mike said yes.

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.

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

Ayes – 6, 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** from the Planning Commission.

ITEM #1 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 at 3305 Pickett Road in order to construct a planned unit development of duplex townhomes.

Staff recommendation: Approval

Note: 30% opposition has been filed by property owners within 185 feet.

(b) Requesting approval of a conceptual plan for a Planned Unit Development at 3305 Pickett Road.

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 said that staff's comments remain basically the same as last month. The re-application is for all RP-2 Two-unit Town Home Development; all R-4 designation has been removed. This use corresponds with the Land Use Plan (LUP) being cluster type development with uninterrupted natural landscape. The density level is 4 units per acre which is below what is recommended in the LUP. Staff is supportive of this design and thinks it can be a model to the rest of the community for infill development. Staff recommends approval.

Steve Wenger asked what the value of infill development is. Mike said much of the community in St. Joseph is built out already; there is not much developable property, i.e., large acre tracts. There are some 6-10 acre tracts that may be developed. Those tracts are typically within an urbanized area. It is considered infill development because much of the property surrounding it has already been developed. It is not considered greenfield, which would be a larger property [possibly a farm] that has never been developed and does not have any infrastructure in place. The LUP encourages infill development within the city in order to reduce urban sprawl which is the extension of infrastructure and development beyond what the city could maintain, i.e., inadequate roads, expensive sewer main extensions, etc.

Bruce Taylor asked what the effect this development would have on the traffic flow along Pickett Road now that it has been designated as a boulevard street. Mike said this development does abut Pickett Road which is within our Boulevard System Master Plan which we hope to build in the future. That plan would widen Pickett Road. We do not anticipate the Minson development to generate a large amount of traffic, due to the nature of the development. Mr. Taylor asked when the boulevard project at this location will take place. Mike said it will depend on when funding is available – there are no set timelines. The areas along Cook Road will likely be done first just because more funds will be available based on the TIF and the additional right-of-way will be attainable. Waterworks Road may also be an early opportunity.

Tim Minson, 507 Alexandria Court, Gower, Missouri, appeared to explain this request. He explained that he distributed an outline to the commissioners of speakers that he would like to follow. He said that last month, his plan received opposition to the R-4 portion of the proposed development. Since then, he re-applied for the zoning change to all RP-2. Mr. Minson stated that this development will be specifically for senior citizens, age 55 and over; this will be a part of the covenant for the properties. Also, on the preliminary plan there is a parcel of property which is separated from the body of the development by a creek. He said he has agreed to leave that property R-1A and not ask for the zoning of it to be changed. This will add a greater buffer to the adjoining home owner. He said he may construct a single family home on that lot.

The following people appeared to speak in favor of this request:

- John Burns, 2732 Felix Street, said he is Mr. Minson's legal representative for this development. Mr. Burns said this development will be RP-2 and is in keeping with the overall plan

adopted by the City. The City's Land Use Plan encourages additional housing options for the elderly as well as encourages infill development. He confirmed that the covenant will make this development largely housing for senior citizens. He explained that the U. S. Government has passed a Fair Housing Act that makes it illegal to discriminate on many factors; however, there is a specific exception which allows senior housing. He explained that reports will be made regularly to the Department of Labor stating that at least 80% of the housing has an individual residing in it that is 55 or older. Mr. Burns said that one thing the Planning Commission needs to consider is how this development will affect the neighborhood and how it will impact the City of St. Joseph. He said it is considered "smart growth" which includes directing development into existing communities, using resources that existing neighborhoods have to offer, avoiding ineffectual land uses associated with urban sprawl, creates an expanded range of housing choices, utilizes compact building design and it contributes to the supply of available housing for the elderly. Mr. Burns said this development will not be found to be detrimental to the neighboring residents nor to the City of St. Joseph, but that it will further the City's goal of future development in St. Joseph. He requested the Planning Commission members to recommend approval of both applications.

- Vince Capell, City Manager of the City of St. Joseph, 1100 Frederick Avenue, Room 305 [home 606 West Stonecrest Circle], said infill housing provides additional housing for residents and is one way for the city to increase the population. It is also a way to preserve or grow our tax base, which means there are more people to share in the costs of the community. Frequently, open land within the city is in a floodplain or floodway or the terrain keeps it from being developed. We need to give high importance to infill development. Mr. Capell said that several years ago, the City attempted an involuntary annexation; one of the reasons for that was that builders and developers had stated there is no longer a sufficient amount of developable land within the city limits of St. Joseph. He explained that we want high quality development and Mr. Minson's plan meets that standard.

- Neil Faucett, 3026 Frederick Ave. [home 15280 SE State Route CC, Faucett] said that he is a General Certified Real Estate Appraiser in the State of Missouri and Kansas. His area of expertise includes residential, commercial and agricultural. He has been asked to address the effect of the marketability that this project would have on the adjoining properties. He quoted his own letter dated August 24, 2010 to Tim Minson: "After review of the proposed site plan and proposed improvements, it is my opinion as a General Certified Real Estate Appraiser and also knowledge of the area, that a change in the zoning would not have a negative influence upon the market value of the surrounding properties. In my opinion, the proposed improvements would be a better option than single family housing that could be of a lower value and would not offer the restrictions that the proposed improvements would offer." In addition, "and one of the important things I think of this thing" is that the area would be maintained such as a condo property or a townhome property where the homeowners association would be responsible for the exterior maintenance of the lawn, the streets and the exterior of the site and that there would be some restrictions on what vehicles could be there and if RVs could be parked there, or boats and there would be restrictions to control that. There is going to be a buffer between the surrounding properties that would ensure privacy to those adjacent properties. If it were developed as a single family development, there would be no control over how the property would be maintained, the number of residents or type of atmosphere it would create. A regulated and restricted proposed subdivision would ensure a quality neighborhood within the existing neighborhood.

- Glenda Ide, 3827 Beck Road [12408 Doniphan Dr, Country Club] said Greystone is a new development in St. Joseph wherein homes are selling in the \$220,000 range for townhomes; the project behind Myrna Manor is in the \$120,000 range. There is nothing in this middle range but we really need it. We have people coming into our community that we need this kind of project for. She thinks this project would be phenomenal. She requested the commission to recommend approval.
- Jim Ingle, 315 South Highway 169 [419 Frederick Place, Gower] said that Tim Minson does a good job with the homes he builds. Most townhouses in St. Joseph have been well maintained by home owner's associations. The price structure being approached is similar to Wilshire and he thinks that is a real asset to the area. You will not be disappointed in Tim's efforts in this project.
- Ted Allison, 3003 Frederick Ave. [4607 Halbrook Dr.], Chamber of Commerce, said having a supply of new, quality housing for every segment is important to our employers and those we are trying to attract to our community. Otherwise, people who take our quality jobs live in other cities and spend their paycheck in the communities where they live and not in St. Joseph. This has been a big problem in our community. He explained that our demographics have become out of skew because of this. We have grown our total employment by 37% over the previous decade but we did not see any net growth in our net population. Please consider the economic impact of the decision being made tonight. In his home neighborhood, he said about one-third of the residences are town homes and they view that as an asset. In addition, Mr. Allison said all people in the 55+ range are not retired – many of them such as himself are still very much working and spending our dollars in St. Joseph.
- Steve Timmons, 5011 University Ave., is the project manager for 1000 Oaks development. He said that Tim Minson has done a wonderful job building homes in 1000 Oaks. His properties are a valuable asset, including great clean-up during and after the homes are finished. He asked each member to recommend approval because it will be a big asset to St. Joseph and the neighborhood.
- Jim Barnett, 3409 Ajax Road [2710 SE Barnett Rd], said he is the pastor of the Wesley United Methodist church at Ajax and Pear St. He explained that his church is across the road from Timber Creek, Mr. Minson's single family development. He said the neighborhood met with Mr. Minson prior to his beginning the development. Mr. Minson has followed through with everything he said he would do. In the neighborhood area, there has been an uplifting of thought and feeling, some neighborhood pride. The proposed project along Pickett Road would be within 1-1.5 miles from the church. He encouraged the Planning Commission to recommend approval.
- John Ryan, 3435 Pickett Road, said he was initially concerned about the zoning being changed on this property. He met with Mr. Minson and discussed the additional traffic this development would create. He explained that there is currently too much traffic on Pickett Road. If this development is approved, he thinks the added taxes should be used to improve Pickett Road. Mr. Ryan said he does not think the traffic in a development of 18 townhomes of 55 and over residents will change the amount of traffic much at all. Mr. Ryan also said that a petition was circulated in the neighborhood that he was not given the opportunity to review, but he believes many of the signatures on that petition come from quite a distance away from the actual development.

Tim Minson said the intention of having these speakers has been to respond to the previous concerns about overloading the schools, overloading the roads, and property values. He distributed an artist's rendition of one of the types of townhomes he would construct. He said he would have two options, one a two-bedroom, two bath one car garage and one that would be a three bedroom, two bath, two car garage. He stated that prior to the previous public hearing, he met with as many of the people in the neighborhood as possible. This plan has been modified to alleviate some of the concerns those people expressed. Mr. Minson said the properties will sell in the \$150,000-\$170,000 range. He explained that there is a plat included in the packet. Subject #1 is the closest property to this proposed development. It adjoins the property on two sides; he said he told the property owner, Ms. Dunham, that he would be happy to plant a very heavy treed buffer around her property and/or place a 6-8 ft. fence. #3 is Mr. Weigart and is the property that has been omitted from the rezoning. #4a, #4b and #4c is the tree line between Mr. Murphy's property and this property. Mr. Murphy's property is a three-acre tract and his home is located in the center of that property. There is already a heavy row of trees. Mr. Minson requested a rebuttal at the end of the public hearing, if necessary.

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

- Ed Murphy, 3510 Harbor Pointe Drive, appeared representing his father, Bob Murphy, 3317 Pickett Road to speak in opposition to this request. Mr. Murphy said that everyone who has spoken up until now has a financial interest in the outcome of this request. He said his father's property is 4.5 acres and not 3 acres. At the time his father constructed his home, he was told that he could only construct one home on that property. He said it is not right to allow Mr. Minson the opportunity to construct townhomes when his father could only construct a single family home. He asked that the Planning Commission members consider making a good decision in this case. He said there will be a loss of the quiet enjoyment of the property. Mr. Murphy said he believes R-1A is an important part of our Land Use Plan and we should want to preserve these neighborhoods. None of the people in the audience who lives in the area are standing up in favor of the request. Mr. Murphy said he agrees that Mr. Minson's plan is a good one but he needs to build it at a different location that is not zoned for single family residents.
- Ray Madinger, 3302 Pickett Road, said with all the rooftops and concrete pads involved with a new subdivision at this location, it will create more havoc every time it rains because all of the corrosion has already got into the creek. The City has not repaired any of the creek and every time it rains, the manhole cover pops up and sewage gets all over the place. In the 1984 rains, it washed a person off the property who died at 22nd and Commercial. This development would put a lot more people in the flood zone which they have never been in before but they got letters saying they are now. He requested the commission to vote against this request to protect the people living in the area now.
- Robert Murphy, 3317 Pickett Road, said the five dwellings on the west side of the road add up to just over one acre. He does not think there is room to build five duplexes on one acre. He said he does not approve of the plan. The City Manager and the Chamber Manager spoke, and it all seems to be about money. The builder sees a chance to make some money. The real estate brokers want to sell these houses so they can make some money. The City Manager wants to see this all developed so he can collect some taxes. The Chamber of Commerce Manager wants to see it

developed for monetary purposes. He suggested they look at this as keeping the neighborhood as a 1-A district rather than looking at it in the monetary situation. He asked that they leave it R-1A.

- Pat Wahlert, 3220 Pickett Road, requested that the zoning be left R-1A.
- Sandra Madinger, 3302 Pickett Road, said she agrees with everyone else. She said she purchased the house for a serene setting and does not want to look across the street and see concrete. All the existing houses have at least one acre and these will be on a much smaller tract of land. Plus, there are already water problems because the sewer lid does fly off and the City has not addressed that problem yet. With all the extra construction going on, there would be too much concrete and where would the water go? It would flood her property. She said her husband walked the entire length of the street when it was very hot and he worked hard to get all those signatures on the petition.
- Kevin Cummings, 3501 Pickett Road, said it is ok with him to develop this property, but only as single family homes.

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

Jerome Goolsby said there is a comment from Sandra Madinger included in the packet that states, "houses together end up causing crimes and we live in a safe, quiet neighborhood. We bought to get away from houses crammed together." He said the proposed development has several cul-de-sacs with several townhomes around each cul-de-sac. He asked if Ms. Madinger has a good point about increasing crime. Mike said the area does not lend itself to high crime and there would be no reason this development would increase that, particularly given the density. Mr. Goolsby said there are already problems with the sewers; would adding that many more houses without addressing that problem first exacerbate that problem and would it really create additional traffic problems.

Mike said the drawing is conceptual; the street may change based on grade layout or storm water run off. Mr. Minson's engineering firm have likely already looked at those things. Before this development can take place, a preliminary plat would be presented to the Planning Commission and City Council. That preliminary plat would require extensive storm water calculations to assure that post-run off stage is equal to or less than the pre-run off stage. We would also look at sewer management and lot configuration.

Roger Sparks said a dry weather flow, the amount of sewage contributed to the system would be almost imperceptible. The real problem would come during a rain storm when the pipes upstream have a lot of infiltration and inflow from various sources, namely loose joints. The primary contributor there is the line running through the golf course. We currently have a project to seal that line and it should be complete prior to the end of this calendar year. Staff is also looking at other upstream sources that may be illegally tapped into the sewer or have existed for a long time to see if anything can be disconnected to also help that problem. Regarding traffic, Roger said this acreage will contribute less than 1% extra traffic to the existing traffic. If it were to develop R-1A, you could put fewer houses on the property, but an R-1A house has more than double the traffic of a duplex, particularly a duplex target to 55+ age range. This road currently has about 3,000 vehicle trips per day; a road this size is made to handle 8,000-9,000 trips per day.

Reba Habert said FEMA has revised the maps mentioned by Mr. Madinger, which puts him in the 100-year flood plain. What is the impact the revised FEMA map would have on this property? Mike said this development is not currently in a flood plain. The flood plain does run south of Pickett and includes the properties below it. However, with the storm water management plans currently in place, all water must be kept on the property. Roger said this development would actually help everything up to the 25-year storm. We require on-site detention to be held to a 10-year storm rate before development.

Tim Minson said he does not have any additional information. He stated that his responsibility starts once construction begins. He will build something that is very nice in this neighborhood.

Jason Park asked if this has ever been zoned anything other than R-1A. Mike said no, he does not think so. Mr. Park asked where the closest non R-1A is located. Mike said there is C-3 just east of this closer to the Belt Highway (about three blocks east) there is an apartment complex and some commercial development; in addition, there is an R-5 mobile home development just southeast.

Bob Bucher asked if land will be set back for the future widening of the street. Mike said yes, that will happen at the time of platting. Mr. Minson is fully aware of that necessity. We will need 10 ft. on each side to make the 70 ft. right-of-way which is designed for Pickett Road and for Ajax Road.

Chairman Wenger said the first vote will be for a zoning district change to RP-2 Planned Two-Family Residential District.

VOTE: Bucher – yes, Goolsby – no, Hebert – yes, Manville – yes, Park – no, Taylor – yes, Wenger – yes.

Ayes – 5, Nays – 2. 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.

The next vote will be to recommend approval of the conceptual development plan.

VOTE: Bucher – yes, Goolsby – no, Hebert – yes, Manville – yes, Park – no, Taylor – yes, Wenger – yes.

Ayes – 5, Nays – 2. 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 #4 REPORT FROM CITY PLANNER/GENERAL DISCUSSION

- Mike said that at this time, we have two minor subdivisions and a zoning district change for next month's agenda. The deadline is not until tomorrow at 5:00 so more may come in.

- Mike said this week we kicked off our Midtown Long Range Strategic Planning Committee and will be working to provide a plan for midtown redevelopment and trying to define a boundary.
- Steve Wenger thanked staff for providing the Commissioner report.
- Bob Bucher said that the City Council agreed with Planning Commission's recommendation on the dogs and said they are going to work on new regulations regarding the number of animals allowed in a residence.

There being no further business, Mr. Wenger adjourned the meeting at 8:35 p.m.

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