

MINUTES
PLANNING COMMISSION
September 22, 2011
7:00 P.M. – COUNCIL CHAMBER

	<u>Name</u>	<u>Attendance</u>
MEMBERS PRESENT:	Bob Bucher	(9-1)
	Todd Euler	(2-0)
	Ann Fisher	(7-3)
	Reba Hebert	(10-0)
	Jason Park	(6-4)
	Bruce Taylor	(10-0)
	Steve Wenger	(8-2)
MEMBERS ABSENT:	Mark Manville	(5-5)
	Joseph Morrey	(8-2)

Quorum Present. Five members constitute a quorum.

STAFF PRESENT: Dustin Smith, City Planner
 Ted Elo, Assistant City Attorney
 Roger Sparks, City Engineer

Call to Order Chairman Steve 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 of Regular Meeting August 25, 2011 Bob Bucher made a motion to approve the minutes of the August 25, 2011 meeting as submitted. Jason Park seconded the motion.

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

Postponements/Adjustments to Agenda: The following items have been postponed until October 27, 2011 at 7:00 p.m. in the Council Chamber:

ITEM #1 YOUNG MEN’S CHRISTIAN ASSOCIATION OF ST. JOSEPH by Mark Cartledge, CEO, agent – continued from July 28, 2011/August 25, 2011 meeting – Requesting approval of a Conditional Use Permit for operation of a day nursery at 2902 North Leonard Road on property presently zoned R-1A Single Family Residential District.

ITEM #8 TIM MINSON – Requesting approval of a major preliminary subdivision plan to be known as Applewood Estates Plat 1 located at the northwest corner of Pear Street and Ajax Road; proposes 11 lots on property currently zoned R-1A Single Family Residential District.

Old Business: There was no old business.

New Business:

ITEM #2 STEVEN LEWIS – Requesting approval of a minor subdivision plan to be known as Steven L. Lewis Subdivision located at 4410 South 22nd Street. Proposes two lots on property currently zoned R-1A Single Family Residential District.

Staff recommendation: Approval with conditions

Minor Subdivisions are approved or denied by the Planning Commission

Dustin Smith, City Planner, stated that this is a subdivision of two lots. The tract is a total of 10 acres; one and one-half acres located at the southeast corner of the property will be Lot 1 and the remaining eight and one-half acres will be Lot 2. Both lots are currently zoned R-1A Single Family Residential District but there is a pending request for a rezone of Lot 1 to C-1 Neighborhood Shopping District. At this time, access will only be allowed from 11th Street Road.

Steve Wenger, Chairman, said this item and item #3 are related so we will have one discussion on the two items but we will have two votes, one for each item.

ITEM #3 DOLLAR GENERAL by Steven Camp, agent – Requesting approval of a Zoning District Change from R-1A Single Family Residential District to C-1 Neighborhood Shopping District at the northwest corner of 11th Street Road and South 22nd Street.

Staff recommendation: Approval with conditions

Dustin Smith said this is the rezoning request for the 1.5 acre lot of the Steven L. Lewis Subdivision to C-1 Neighborhood Shopping District in order that the lot may be used for commercial purposes. He said the sanitary sewer is close but there may be a need for an extension associated with the plat and development.

Ann Fisher asked what they are going to do with the 8.5 acres. Dustin said he does not know. She asked if it is going to be a parking lot.

Dustin stated that the minor subdivision is not a public hearing but the zoning change is.

John Perry, 9041 Post Oak Lane, Memphis, TN, appeared representing Buchalter Development Company and Steven Camp. He said he cannot say anything about the 8.5 acres but only the 1.5 acres. He said they are requesting the zoning district change to C-1 Neighborhood commercial to allow for a Dollar General store. This location will be a move from their current location at the strip mall just north on 22nd Street. The newer store will be 25% larger than the existing one. He said they have no problems with the conditions staff has requested for both the sidewalk easements and the access location. He distributed a single copy of the site plan that has been approved by Dollar General. Dustin said this site plan has been approved by their corporate office, but not by the city. However, the site plan approval would be approved on the staff level and not by the Planning Commission.

Ann Fisher asked if they own the entire parcel. Mr. Perry said no, they purchased only the 1.5 acres at the southeast corner of the lot. She asked if he knows what will happen to the old store or if it is going to sit empty. He said he does not know.

Reba Hebert asked if the parking will be in the front of the store. Mr. Perry said yes. Bruce Taylor asked if they were hoping to get away from the strip mall. Mr. Perry said he was not involved when the property was negotiated. This is as close as they could get to their existing location that would allow a free standing store and a 25% expansion.

No one else appeared to speak in favor of this request.

The following people appeared to speak in opposition:

- Julie Hertel, 4611 Libby Lane, said she purchased this home because it was in a residential area, not commercial. She thinks changing the zoning of this lot will lower the value of her property. Also, she thinks vehicles will cut through Kerns Krest, especially in the winter months, since 11th Street Road has such a steep slope to it. She said there are many vacant properties in St. Joseph already zoned commercial and they should look at moving into one of those.
- Mike Hinde, 4201 South 11th Street Road, said he owns the property just west of this site. Mr. Hinde expressed his concern that his property will be more accessible to many more people than it has been in the past. There are three residential subdivisions near this area and they had hoped this property would also be residential. Mr. Hinde said a commercial activity will greatly increase the traffic along 11th Street Road. He also expressed his concern at the amount of water that streams into his driveway now that Mr. Lewis has removed so much of the dirt; however, Mr. Lewis recently repaired that problem. He (Mr. Lewis) has removed a large number of trees from the property already and Mr. Hinde is afraid he will continue excavating the remainder of the trees. Mr. Hinde said his driveway actually crossing a small part of Mr. Lewis's property, but he has a 99-year easement that allows that. Mr. Hinde said another concern is that the 8.5 acres remaining will become commercial also.

Bruce Taylor said there is a sign on the property saying if you have any questions about the discharge of water from this property, to contact the Missouri DNR. Dustin said the city did issue a stop work order on this property recently based on the large amount of soil being removed from the site. Missouri DNR issued a permit for land disturbance on one acre of the entire ten acre property.

- Justin McCarthy, 4502 Libby Lane, said since the boulevard has been shut down, they have seen a lot more traffic and he thinks this commercial store will also increase traffic. He said he moved to this subdivision because the area was residential and he does not want to have to see a Dollar General when he looks out his window. Furthermore, there are a lot of children in the area who play in the streets and it would be a danger to them.
- Becky Steele, 4605 Libby Lane, said she thinks since the property is zoned residential; it should stay that way unless there is a very good reason to change it. She does not believe this is a case where it is necessary to change the zoning to commercial. Previously, the property owner at the southwest corner of 22nd Street and 11th Street Road requested a zoning change to commercial, and it was defeated because this is a residential area.
- Connie Welter, 1926 Rosewood Terrace, said there are other properties in the strip mall that they can move into. She certainly does not believe there is room for trucks to enter and exit when

they are bringing goods to the store. Ms. Welter said she thinks the zoning should remain residential.

- Rich Deka, 1929 Park Ridge Drive, said pending Mr. Lewis's hearing for his violation of the permit he was issued (Zoning Board of Adjustment), he (Mr. Deka) requests this item be tabled until October. Mr. Deka then gave some history of the property, going back to 2003. Mr. Deka also said he thinks if we change this piece of property to commercial, eventually the remainder of the 10 acre tract will be commercial.

Steve Wenger said he does not think that ZBA hearing will have any bearing on this request.

Ted Elo briefly explained the ZBA hearing that Mr. Lewis is scheduled for on September 27, 2011. However, he said the only matter before this board is whether or not a minor subdivision complies with city's subdivision code.

Mr. Deka said no property owners were notified about this minor subdivision. Ted said there is no requirement for notification on minor subdivisions.

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

Bob Bucher said he sees no reason why we cannot divide this property but he is not in favor of the rezoning.

Dustin responded to a question from Reba Hebert by explaining that only an access from 11th Street Road is the best at this time; that is why staff recommends the condition that no access will be granted from 22nd Street. Upon future development, we may consider a second or shared access point.

Bruce Taylor asked which would come first, the minor subdivision or the rezoning. Ted said the minor subdivision should be voted on first. Dustin said without the plat, there is nothing to rezone unless it would be a rezoning for the entire 10 acres.

Dustin said he wants to add a condition to the rezoning that it will not be in effect until after the minor subdivision plat has been recorded.

Dustin explained that the requested zoning is neighborhood shopping, C-1. This type of zoning is the most restrictive commercial district we have. He said no direct access will be allowed from 22nd Street and only one access will be allowed from 11th Street Road.

Roger Sparks said the city does not provide free sewer assistance for the most part. Any sewer extension should be completed by the developer.

Ann Fisher said 11th Street Road is not that wide, particularly given the width of the semi-trucks that will be going in and out of the driveway. She asked if they intend to widen 11th Street Road any. Dustin said there are no street improvements included with the plan.

Dustin explained that there would be more traffic with a residential subdivision at this location than there would be with this commercial activity.

Ted Elo said after the public hearing is over, someone should make a motion to include the comments from the previous item into the context of this item.

Ann Fisher asked if we should vote on this now or if we should wait to see the outcome of the appeal being heard by the Board of Adjustment on September 27.

- John Perry, 9041 Post Oak Lane, Memphis, TN said the business plan is to move out of the strip mall where they are currently located. He said their business does better as a stand-alone store. He also briefly discussed the traffic count. Regarding drainage, Mr. Perry said if there are stormwater regulations, they will abide by those. There will not be any additional run-off from what there is now. Mr. Perry also said this type of neighborhood commercial provides convenience for people, allowing them to walk rather than having to drive to the store. Mr. Perry reiterated that as far as he knows, the remaining 8.5 acres will be developed as single family homes, just as is currently the plan.
- Justin McCarthy, 4502 Libby Lane, said if this zoning is approved, there is no guarantee that one of the other uses in C-1 won't eventually use this location. Dustin agreed that once the zoning is changed, it will remain C-1 and any use allowed in C-1 could locate in this 1.5 acre tract by right. Mr. McCarthy said there are no sidewalks along 11th Street Road; there is a wide curve from there to the boulevard.
- Julie Purtell, 4611 Libby Lane said there is a school across 22nd Street.

Bob Bucher said he has always been opposed to allowing commercial activities into single family areas. Jason Park said the Land Use Plan indicates this area is designated for low density residential.

There being no further discussion on this subject, Chairman Wenger asked for a motion to include all comments from both hearings into the record for each item.

Reba Habert made a motion to include all comments given in the record for both Item #2, approval of the minor subdivision Steven L. Lewis Subdivision and #3, request for rezoning to C-1 Neighborhood Shopping District. Jason Park seconded the motion.

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

Chairman Wenger called the question for Item #2, approval of a minor subdivision plan to be known as Steven L. Lewis Subdivision located at 4410 South 22nd Street; proposes two lots on property currently zoned R-1A Single Family Residential District. This vote includes the two recommendations listed in the staff report: 1) No individual access to the lot will be granted from South 22 Street, but shared access may be considered with future development of the property to the north; 2) Sidewalk easements may be required along the frontage of both 11th Street Road and South 22 Street as part of the submittal of the development plan for Lot 2.

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

This minor subdivision has been approved with conditions by the Planning Commission.

Chairman Wenger called the question on the addition of the condition requested by staff to the zoning change, i.e., the zoning change will not become effective until after the Steven L. Lewis Subdivision plat has been recorded.

VOTE: Bucher – no, Euler – no, Fisher – yes, Hebert – yes, Park – yes, Taylor – no, Wenger – yes.
Ayes – 4, Nays – 3. Quorum vote is five votes. Motion passes.

A condition will be added to the recommendation of zoning district change at 4410 South 22nd Street that if approved, the zoning change will not become effective until after the plat of the Steven L. Lewis Subdivision has been recorded with the Buchanan County Recorder of Deeds. This condition is in addition to the two conditions listed in the staff report: 1) No individual access to the lot will be granted from South 22 Street, but shared access may be considered with future development of the property to the north; 2) Sidewalk easements may be required along the frontage of both 11th Street Road and South 22 Street as part of the submittal of the development plan for Lot 2.

Chairman Wenger called the question for Item #3, recommending approval of a .zoning district change from R-1A Single Family Residential District to C-1 Neighborhood Shopping District at the northwest corner of 11th Street Road and South 22nd Street.

VOTE: Bucher – no, Euler – no, Fisher – no, Hebert – no, Park – no, Taylor – no, Wenger – no.
Ayes – 0, Nays – 7. Quorum vote is five votes. Motion fails.

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

At 8:20 p.m., Chairman Wenger called for a 5 minute recess. The meeting resumed at 8:25 p.m.

ITEM #4 GREGORY RONCHETTI – Requesting approval of a minor subdivision plan to be known as Greg Addition located at 2008 North Belt Highway. Proposes two lots on property currently zoned C-3 Commercial District.

Staff recommendation: Approval

Minor Subdivisions are approved or denied by the Planning Commission

Dustin Smith announced that he distributed an updated copy of this plat to members of the Planning Commission prior to the meeting. The total property is 3.53 acres that will be split into two oblong shaped lots, one being 1.51 acres in size and the other will be 2.02 acres. No additional accesses are proposed and none will be allowed. There will be no change in use. Staff recommends approval.

Greg Ronchetti, 25 Eastwood Drive, said he has General Motors products on this lot now and by subdividing into two lots, he will be assured he meets the requirements of G.M. and still be able to use the other lot to provide more revenue.

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 was no additional discussion on this item. Chairman Wenger called the question.

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

This minor subdivision has been approved by the Planning Commission.

ITEM #5 WILLIAM C. MANSON – Requesting approval of a Zoning District Change from R-1A Single Family Residential District to R-5 Mobile Home Park District at 3926 Pickett Road in order to bring the existing mobile home park into a conforming status versus the current legal nonconforming state per the zoning code.

Staff recommendation: Approval

NOTE: 5.0% opposition was filed by property owners within 185 feet.

Dustin Smith said this application is in response to a letter sent earlier this year encouraging mobile home parks to rezone to R-5 in order to be able to move newer models of mobile homes into and out of their mobile home parks. He said at this time, there are no improvements or expansions planned for this mobile home park.

William Manson, 3926 Pickett Road, appeared to explain this request. He said he has no plans to alter or enlarge the mobile home park. He just wants to be conforming instead of a legal non-conforming use. Mr. Manson explained that he wants to be able to use the pads he has (14) and to bring in mobile homes if needed. To show the improvements he has already made, he submitted photos showing the mobile home park when he first bought it and what it looks like now.

Mr. Manson said he has met with Steve Huff from the School District and they have no concerns with the mobile home park.

Ann Fisher asked if he plans to sell the property. Mr. Manson said he has no plans to sell the property. She said this is a very clean mobile home park; however, she does not want it zoned for modular homes. She said she is only objecting to trailer parks. Ms. Fisher recommended he get a special use permit instead of a zone change. Steve Wenger said rezoning to R-5 is a good way of keeping it as a nice place.

Peggy Cunningham, 2603 South 40th St., appeared to speak in favor of this request. She said if this is not approved, it will lower her property values by not allowing improvements to the mobile home park.

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.

Bob Bucher said he has talked to Mr. Manson several times and believes this is a positive step for him to be able to improve the mobile home park.

There being no further discussion, Chairman Wenger called the question.

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

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

ITEM #6 KENNETH A. BURGESS by Richard Rossiter, agent – Requesting approval of a minor subdivision plan to be known as House of Burgesses located at 4501 Packers Avenue. Proposes two lots on property currently zoned M-2 Heavy Manufacturing District.

Staff recommendation: Approval with conditions

Minor Subdivisions are approved or denied by the Planning Commission

Dustin Smith said the applicant wants to split this property into two lots. Referring to the last paragraph of the front page of the staff report, Dustin said staff recommends approval of the plat with the condition that a 10 ft. sewer easement be established in addition to a 10 ft. right-of-way dedication the entire length of this property along Lower Lake Road. He said he is of the understanding that Mr. Burgess agrees to the sewer easement but is disputing the 10 ft. right-of-way dedication.

Terry Ringot, 14300 State Route DD, Savannah, Missouri, appeared representing Kenneth Burgess. Mr. Ringot said this is a metal recycling business. If he divides the property into two lots, he will be able to use the existing Seitz building in a separate endeavor, bringing additional business, jobs and tax base to St. Joseph. The eastern lot will continue to be the recycling business. Mr. Ringot agreed that they have no problem with dedication of the sewer easement; however, he does not want to give one-fourth of an acre of the property up for right-of-way.

Mr. Wenger asked what Mr. Burgess will do if the Planning Commission decides to approve with both conditions attached. Mr. Ringot said he probably will not go through with the subdivision, and he will not be able to use the Seitz building as he was hoping to, to provide new jobs to St. Joseph.

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.

Reba Hebert asked Dustin why the city wants a 10 ft. right-of-way. Dustin explained that Lower Lake Road is 40 ft. wide instead of the standard 60 ft. wide. The additional 10 ft. would allow us to bring it up to 50 ft. in width. He said that this is not unusual and we have done it many times before. As far as he knows, this is the first time it has been disputed.

Dustin also said the sewer easement and right-of-way dedication would be created by two separate instruments, as they both have to be approved by the City Council although the minor subdivision does not.

Bruce Taylor asked how many feet we are asking for on the right-of-way. Dustin said we are asking for 10 ft. right-of-way the entire length of the property which is 1,100 ft. long along the south side of Lower Lake Road.

There was no further discussion. Chairman Wenger called the question on approval of this minor subdivision with both conditions recommended by staff.

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

This minor subdivision has been approved by the Planning Commission with the conditions that a 10 ft. sewer easement and a 10 ft. right-of-way are to be granted to the City.

ITEM #7 MINSON HOMES LLC by Tim Minson, agent

(a) Requesting approval of a Zoning District Change from R-1A Single Family Residential District to RP-4 Planned Apartment Residential District on the northern portion of 3240 Pear Street.

Staff recommendation: Approval

(b) Requesting approval of a conceptual development plan for the Apartment Residential District on the northern portion of 3240 Pear Street.

Staff recommendation: Approval

Dustin Smith said this entire tract is 25.27 acres; the conceptual development plan we are discussing tonight consists of about 6.24 acres located on the northern border of the entire tract. The entire tract has frontage on Pear Street, Easton Road and Ajax Road. The developer intends to construct 11 apartment buildings containing a total of 88 apartments on this portion. Dustin said the staff report covers several items, one being the fact that this residential district does not currently have access to public facilities/infrastructure.

Dustin said the cross street is Ajax and Pear. He explained that he has some design issues with the developer based on the fact that the entrance to the subdivision (Pear Street) has some internal entrances that are too close to Pear Street. MoDot indicated to him that they too have concerns with the first entrance, the driveway to Buildings A through D. He explained that MoDot believes the proposed entrance is too close to Pear Street and creates a line of site triangle 100 ft. long.

The property is designated commercially on the Land Use Plan. If it is rezoned, we need to consider amending the Land Use Plan.

Staff has created a list of recommendations which have been listed as conditions of approval and are listed in the staff report. Most of the items were included in a letter to the developer about two

weeks ago. Dustin said the developer does have some questions about some of these conditions and he expects he will talk about it later during this meeting.

Regarding the density of residences, Dustin explained that high density residential allows 5-15 units per acre (this development phase would be considered high density); low density residential allows 0-5 units per acre. In addition, there are eight acres in the center part of the property that still does not have a plan in place. Traffic calculations and traffic counts are based on what we know now plus an estimate of the number of proposed residential units that would occur on the remaining eight acres of the property.

Ann Fisher asked what the consideration for the local schools is. Dustin said they will use the existing school facilities. She said that Pickett School is too full now.

Tim Minson, 507 Alexandra Ct., Gower, MO, appeared to explain this request. Mr. Minson said this entire subdivision will be called Applewood. This portion of the project is a multi-family project to be called Cardinal Ridge. Phase 1 of Applewood will be for single family homes and is located along the southern portion of the tract. It was postponed from discussion this evening. Mr. Minson said this part of the project is located in the north section of the tract, along Pear Street.

Mr. Minson said the land use plan designates this for commercial activity, but he does not think that is the best use of the property. The lay of the property and the fact that there are many empty commercial properties available are two of the reasons he thinks commercial is not a good fit for this location. He explained that this property is adjacent to a commercial park. North across Pear Street is a church and some residences; west are some homes; south across Easton Road are railroad tracks.

He explained that the center portion of the tract will be senior townhomes and the south portion will be single family residential homes.

The portion that he is requesting be rezoned to RP-4 is along Pear Street. It will consist of 11 buildings, 8 two-bedroom apartments in each. He believes this is the best use of this property.

Mr. Minson said that in April they had a neighborhood meeting at the Wesley United Methodist Church. In addition, he met with Steve Huff, assistant superintendent of schools, who said the schools would not stand in the way.

Mr. Minson explained that he intends to construct these buildings two at a time.

Bruce Taylor asked if the apartments will be rental units. Mr. Minson said yes, but they will not be low housing units. He said he anticipates young families and possibly some seniors on the bottom floor.

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.

Jason Park said the Land Use Plan indicates this area is designated commercial use.

Reba Hebert asked about developer request for assistance with cost. Roger Sparks said this is for the sewer. We have a program in place to help fund places where there is an entire property without sewer. The existing subdivision lots are large and the sewer is stopped 200-300 ft. from this property. The main line sewer is across the street. It would only be on the street of Ajax and Easton but not within the subdivision.

Bruce Taylor asked why staff is requiring brick or stone facades. Dustin said a PUD allows negotiations on both sides in order to make the plan fit better into the neighborhood. Since we are allowing very near the maximum number of units per acre (14.1), he would like to see the exterior of the buildings dressed up a little more. Mr. Taylor asked why stone or brick is better. Dustin said it is more aesthetically pleasing.

Mr. Minson said most of the 17 items listed as conditions apply to the plat rather than to the zoning change. He said he has discussed a lot of those issues with staff already. Mr. Minson said that by voting in favor of changing the zoning, those 17 items are still in the negotiating stage. Dustin said that is not correct. If they vote to recommend approval of the zone change, the approval would be conditioned on the developer meeting each of the 17 items.

Ted Elo said Mr. Minson could ask to be alleviated from some of the conditions. Mr. Minson said some of the items are still in negotiations. He said they do not even have a plat and he thinks those conditions should go with the plat and not the zone change. Mr. Minson said he was not aware that this would put an anchor on him until it is built out!

For clarification, Mr. Minson asked if the vote is contingent on these 17 items. Mr. Wenger said yes. In that case, Mr. Minson said he would like to postpone this hearing. Ted said that is fine, but we need a specific date when Mr. Minson will be ready for the zone change to be voted upon.

Dustin said if the Planning Commission votes for approval, the 17 conditions will apply. If there are any subdivision changes, it would have to come back to the Planning Commission for another review.

Mr. Minson said he wants to know is if they think these 6.4 acres would best be developed as R-4. He does not think it is prudent for him to commit to 17 conditions if they would not approve the zone change. Mr. Minson asked for a continuance on this item until October 27. He reiterated that he thought these details would be worked out at the major preliminary plat level, not the zone change.

He said doing a traffic study and one-half street improvements are two of the items he specifically needs to negotiate on.

This item will be continued until October 27, 2011 at the regular meeting of the Planning Commission.

ITEM #9 JOHN NAGEL – Requesting approval of a minor subdivision plan to be known as The Nagel Estates located at 4102 West Haverill Dr. 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

Dustin Smith, City Planner, said that these lots are adjacent lots; one is platted and one is not. The property owner intends to sell the lot on Miller Road and the property line is being moved in order that the fruit trees will remain on the lot on Haverill Drive. Staff recommends approval.

John Nagel, 4102 West Haverill said he also owns 4407 Miller Road. He stated that he wants to move the property line so the fruit trees will be a part of his lot. He intends to sell the home at 4407 Miller Road if the subdivision is approved.

No one else appeared to speak in favor of this request and no one appeared to speak in opposition. There were no questions from Planning Commission members. Therefore, Chairman Wenger called the vote.

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

This minor subdivision has been approved by the Planning Commission.

ITEM #10 REPORT FROM CITY PLANNER/GENERAL DISCUSSION

There was no planner report or discussion this evening.

There being no further business, Mr. Wenger adjourned the meeting at 10:00 p.m.

The next regular meeting of the Planning Commission will be held on Thursday, October 27, 2011 at 7:00 p.m.

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