

MINUTES  
PLANNING COMMISSION  
August 25, 2011  
7:00 P.M. – COUNCIL CHAMBER

	<u>Name</u>	<u>Attendance</u>
MEMBERS PRESENT:	Bob Bucher	(8-1)
	Todd Euler	(1-0)
	Ann Fisher	(6-3)
	Reba Hebert	(9-0)
	Mark Manville	(5-4)
	Joseph Morrey	(8-1)
	Jason Park	(5-4)
	Bruce Taylor	(9-0)
	Steve Wenger	(7-2)
MEMBERS ABSENT:	None	

Quorum Present. Five members constitute a quorum.

STAFF PRESENT: Clint Thompson, Director of PCD/CAD  
Dustin Smith, City Planner  
Ted Elo, Assistant City Attorney  
Roger Sparks, City Engineer

**Welcome** Steve Wenger introduced Dustin Smith, the new City Planner, and Todd Euler, new Planning Commission member.

**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 July 28, 2011** Bob Bucher made a motion to approve the minutes of the July 28, 2011 meeting as submitted. Ann Fisher seconded the motion.

VOTE: Bucher – yes, Euler – abstain, Fisher – yes, Hebert – yes, Manville – abstain, Morrey – yes, Park – abstain, Taylor – yes, Wenger – abstain.  
Ayes – 5, Nays – 0, abstain – 4. Quorum vote is five votes. Motion passes.

**Postponements/Adjustments to Agenda:** None

**Old Business:** There was no old business.

**New Business:**

**ITEM #1: LOUIS NATENSHON** – Requesting approval of a Zoning District Change from R-1A Single Family Residential District, C-3 Commercial District and M-2 Heavy Manufacturing District to R-5 Mobile Home Park District at 101-194 Countryside Lane 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**

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**Staff recommendation: APPROVAL**

Dustin Smith, City Planner, explained that in April this year, the city sent letters to all mobile home parks requesting they change the zoning in order to be conforming. This would allow new mobile homes to be moved in and out of the parks. He said the staff report indicates that the private drive is well maintained which, in fact, it is not. When he visited the site, he noticed that there are some maintenance issues with the internal road at this location. Staff recommends approval of the rezoning.

Joseph Morrey asked if R-5 zoning is specifically for mobile home parks. Dustin said yes.

Don Sollars, 144 Countryside Lane, appeared representing the owner. Mr. Sollars explained that he is the local manager of this mobile home park. He said that since he has become the manager four years ago, there have been several improvements to the park and they are aware that the road needs work.

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

Ann Fisher asked if the new area will have a new road better than they have now. Dustin said to his knowledge, there are no proposed improvements at this time. Mr. Sollars said they know the roads are bad and they to intend to do something about it eventually.

Mrs. Fisher said she would like to see this item tabled until we get confirmation that they will put new roads in this mobile home park. Dustin said rezoning is the mechanism to encourage them to make those improvements. Mr. Wenger said this would put the pressure on to do that. Mrs. Fisher asked if we are *sure* they are going to do it. Mr. Sollars said he can do some patching right now; he also said he will talk again to Mr. Natenshon about the roads.

Ted Elo said since the zoning has been nonconforming, they have not technically been considered a mobile home park. This will place them under the license requirements which will give the city more enforcement mechanisms to ensure the park is cleaned up. However, the city has no control over private streets.

Joe Morrey asked if there are no requirements for the maintenance of the road simply because it is a private road. Ted said all but one mobile home park in town have private roads.

Mark Manville asked if the condition of the existing road is part of the purview for consideration of the rezoning. Dustin said since we requested the rezoning, he is not sure this would be the

mechanism for the city to require them to maintain the roads. Mark said the Planning Commission should be concerned with the land use, not the condition of the park. Mark called the question.

Mr. Sollars said they are updating the wiring, Bud's Sewer Service has come to work on the plumbing and they have removed about 18 trees.

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

VOTE: Bucher – yes, Euler – yes, Fisher – yes, Hebert – yes, Manville – yes, Morrey – yes, Park – yes, Taylor – yes, Wenger – yes.

Ayes – 9, 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 #2 DANIEL CONARD** – Requesting approval of a minor subdivision plan to be known as Conard Estate located at 5113 South 14<sup>th</sup> Street. Proposes one lot on property currently zoned as R-1A Single Family Residential District.

**Staff recommendation: APPROVAL**

**Minor Subdivisions are approved or denied by the Planning Commission**

Dustin Smith, City Planner, said when this applicant applied for a building permit, he learned the property had never been subdivided but was still tract land. Prior to issuing a building permit, a plat is required. That is what prompted this minor subdivision. The other lots in the subdivision received building permits from Buchanan County. This lot was left out for some reason. Staff recommends approval.

Daniel Conard, 210 Massachusetts Street, appeared. He said he owns this lot and would be happy to answer any questions.

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 if your property is located within the city limits, a city building permit is required. The other properties obtained county building permits, but they were in the city. He wants to clarify that you need to have a city building permit to build in the city. Dustin said that is correct; he said he is unclear about them being built in the county. Jason Park said that area has been in the city limits for many years.

Mr. Conard said the property has always been inside the city. In 1988, Gene Buzzard surveyed the properties, but they were not recorded as a subdivision with the city. He said he does not think that was required in 1988, but it is now.

There were no questions and no further discussion. Chairman Wenger called the question.

VOTE: Bucher – yes, Euler – yes, Fisher – yes, Hebert – yes, Manville – yes, Morrey – yes, Park – yes, Taylor – yes, Wenger – yes.

Ayes – 9, Nays – 0. Quorum vote is five votes. Motion passes.

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

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

- As a result of the letter staff sent to the mobile home parks, Mr. Bucher asked if we are requiring them to request a rezoning. Dustin said we are not requiring the zone change; however, we let them know that they are nonconforming and if they intend to make improvements, they would need to obtain a rezoning. If they do not want to make improvements, they do not need to rezone the property. Mark Manville said if they are nonconforming, if they remove a mobile home, they are not supposed to replace it.
- Joe Morrey asked about the Pizza Hut at Belt & Gene Field Rd. Roger Sparks said the plans have been submitted to Mo-Dot and the city will work with them since it is on Mo-Dot right-of-way. As soon as those details are worked out and a funding source is identified, we will build it, which we hope will be in the spring. The sidewalks will be 10 feet or more back from the curb. The right-of-way we required was from a subdivision plat, but we will need additional right-of-way along the Belt Highway.
- Joe Morrey said he drives by Cook Crossing regularly and he has not seen any activity going on at that location. Roger said they have applied for a building permit to begin remodeling the existing building for Dick's Sporting Goods. They will begin that plus the site work associated with it. Dustin Smith said the Development Review Team has reviewed the preliminary plat for Cook Crossing and sent the comments to the engineer. He said that Roger, Clint and he met with their engineer in the last week and they are in the process of resubmitting the plat document. Roger said the engineer said Dick's hopes to be open in February, 2012.

There being no further business, Mr. Wenger adjourned the meeting at 7:25 p.m.

The next regular meeting of the Planning Commission will be held on Thursday, September 22, 2011 at 7:25 p.m.

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