

MINUTES
PLANNING COMMISSION
October 27, 2011
7:00 P.M. – COUNCIL CHAMBER

	<u>Name</u>	<u>Attendance</u>
MEMBERS PRESENT:	Bob Bucher	(10-1)
	Reba Hebert	(11-0)
	Mark Manville	(6-5)
	Joseph Morrey	(9-2)
	Bruce Taylor	(11-0)
	Steve Wenger	(9-2)
MEMBERS ABSENT:	Todd Euler	(2-1)
	Ann Fisher	(7-4)
	Jason Park	(6-5)

Quorum Present. Five members constitute a quorum.

STAFF PRESENT: Dustin Smith, City Planner
 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 September 22, 2011 Bob Bucher made a motion to approve the minutes of the September 22, 2011 meeting as submitted. Reba Hebert seconded the motion.

VOTE: Bucher – yes, Hebert – yes, Manville – yes, Morrey – yes, Taylor – yes, Wenger – yes.
Ayes – 6, Nays – 0. Quorum vote is five votes. Motion passes.

Postponements/Adjustments to Agenda: The following item has been withdrawn by the applicant:
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.

Chairman Wenger then announced that the November meeting will be held on November 17 at 7:00 p.m. and the December meeting will be on December 15 at 7:00 p.m. These alternate dates are due to the holidays in November and December

Old Business:

ITEM #1 **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 12 lots on property currently zoned R-1A Single Family Residential District.

Staff recommendation: Conditional Approval

Dustin Smith, City Planner, said because of an issue with the public hearing notices, this item had to be postponed from last month. There was no action or discussion on the items at that time.

He explained that Applewood Estates Plat 1 is for 12 lots that will be single family homes and will be zoned R-1A Single Family Residential District. There is no rezoning issue for this plat because the property is already zoned R-1A. Lots 1-10 are the residential lots. Lot 11 is larger and the developer is not sure what will happen to that. Lot 12 is the remainder of the full 25.27 acre lot. Sewer will be extended from Easton Road. Staff recommends approval of this plat with the following conditions:

1. An additional 5-10 feet of right-of-way may be required for Easton Road;
2. Locate, show and label all existing fire hydrants in the adjacent rights-of-way and within 400 feet of the property; and
3. The plan is pending review by the Fire Department and will be subject to revisions based on their requirements.

Tim Minson, 507 Alexandria Court, Gower, Missouri, appeared to explain this request. He distributed a copy of the proposed Cardinal Ridge. He said this property is a portion of a larger tract of land. He is working with Community Action Partnership on this particular development. It will be low income senior housing for ages 55 and older. The properties cannot be for families, only for seniors that qualify. He said he will begin with six homes, two-bedroom, two-bath with crawl space. There will be a storm shelter in each garage. He explained that after these six homes are built, if CAP is able to obtain additional funding, more will be constructed. He also said that CAP does own this property.

Steve Wenger asked if Mr. Minson is aware of the conditions recommended by staff. Mr. Minson said yes, he is.

No one else appeared to speak in favor of this request and no one appeared to speak in opposition. Chairman Wenger closed the public hearing. There were no questions from Planning Commission members, so Mr. Wenger called the question.

VOTE: Bucher – yes, Hebert – yes, Manville – yes, Morrey – 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** with conditions as listed above from the Planning Commission.

ITEM #2 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 in order to construct an 88-unit planned apartment complex.

Staff recommendation: Approval

(b) Requesting approval of a conceptual development plan for a Planned Unit Development to an RP-4, Planned Apartment Residential District.

Staff recommendation: Approval

Dustin Smith said this was continued from last month. At that time, he said that staff had requested several conditions be added to the approval of the zone change. Since then, we agreed that the conditions for rezoning should be deferred to the preliminary plat. This is the same staff report as last month with the conditions removed. It is for a change of zoning to RP-4 Planned Apartment Residential District. Dustin indicated that the Planning Commission is only considering the change of zoning to RP-4 and the concept as a multi-family apartment complex. No specific aspects of the site design, building design or density are being considered at this time.

Tim Minson, 507 Alexandria Court, Gower, Missouri, appeared to explain this request. He distributed a copy of possible house plans for the development. Mr. Minson stated that he believes we have a very good planning staff and thanked them for working with him on this plan.

Mr. Minson said this property has been a landfill for some time. He explained that the City's Land Use Plan designates this property for commercial use but he thinks R-4 suits it better. He said he intends to construct two buildings at a time. Mr. Minson also said that R-4 will act as a buffer for the remainder of the development.

He explained that it is important to him to meet with the neighbors when he is preparing to do a development. He said the neighbors all know they can contact him anytime if they have questions or problems.

Bruce Taylor asked what the time schedule will be on the development. Mr. Minson said his intention is to construct two apartment buildings. He explained that they will not be low-income buildings, but will be market rate. If he cannot fill up these first two buildings, he will not continue; however, once he does fill two, he will start two more, and so on.

Mr. Minson explained that there is quite a bit of property between this development and Applewood Plat 1. He said CAP would like to continue building homes for seniors but they never know if they are going to have the money. The center property will be commercial of some kind. This portion of the property is the only part that will be high density. He hopes to have it completed in six or seven years.

Mr. Taylor said this has been an eyesore for years and he is very much in favor of this improvement. He said the church is in favor of this as well. This will be difficult to build on because of the rock but he has experience with rock.

Joe Morrey asked what ground work he will have to do before beginning construction. Mr. Minson said that Bartlett and West will prepare the plans necessary to make sure there is a stable base before building begins; that is their job.

Mr. Morrey asked about the terrain as it goes down. Mr. Minson said the ridge in the middle will come down about 20%. There will be about a 6 degree slope to the property.

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

- Mike Dalsing, 3912 Ajax Road, said this used to be a farm. The city has allowed dumping on the front of the property along Pear Street that has caused an eyesore. He does not have a problem with single family homes being built. He said Peachtree was forced on Morningside and they ended up buying some of the property to keep more apartments from going in there. Single family is fine but he is not in favor of multi-family.
- Matt Dietz, 3704 Ajax Road, said he is against multi-family. Single family is fine with him.

Reba Hebert asked when the last time this property was farmed. Mr. Dietz said a couple of years ago.

- Lisa Wright, 3321 Easton Road, said she is not in favor of apartments.

Joe Morrey said everything east of there on Pear Street is commercial. He then asked Mr. Dalsing where on Ajax he lives in relation to this development. Mr. Dalsing said he lives at the corner of Ajax and Easton. Mr. Morrey said even though it has been farmland, being inside the city it will develop. Mr. Dalsing said that does not mean it has to be apartments. Mr. Morrey said Ajax Road seems to be the dividing line. He said it is good planning practice to build high density between commercial and single family. Mr. Dalsing said at Peachtree there is commercial then the apartments then single family homes. He said he thinks his property values will go down.

Steve Wenger asked how many additional people in the audience are in opposition to this zoning change because it will be apartments. One additional couple stood.

Mr. Minson said he has met a lot of these people and they are good people. He said the city's LUP is for commercial development at this location. Maybe people would prefer a Pizza Hut to apartments. Mr. Minson explained that it would be cheaper to put the apartments somewhere else on that piece of property. He continued by saying when there is a commercial situation with a transition to single family, you try to buffer it. He also said this lot is located next to commercial. He said it would be difficult to sell homes that are right next to a Jiffy Lube. He said he thinks apartments would be less intrusive to the homes in the area.

Mr. Minson said he does not intend for these to be low income apartments. The buildings will be \$650,000 each and they will be well maintained. It will get sewer up from Ajax Road which is not there now. Also, half-street improvements are part of the deal, which means he will bear the cost of half the sidewalks, curb, gutters, etc.

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

Joe Morrey asked if this is good to go as far as sewer, etc. Dustin said most of those things will be addressed in the plat stage. We are only to be concerned tonight with changing the R-1A to R-4 and the concept he has proposed. None of the other issues need to be considered at this time.

Commissioner Taylor asked about the land use plan designation for this property. Dustin said this does not comply with the land use plan. The factors for consideration for rezoning imply that we need to change the land use plan prior to proceeding. However, in the past if this would get approved, then staff would initiate an amendment to the LUP. Mr. Taylor asked if it is improper to do that. Dustin said no, not in this type of case. He thinks we have enough commercial property so he does not think it will be a stretch to change the LUP.

Reba Hebert said in today's economic conditions, people are losing their homes and looking for something like this. Mr. Taylor said he does not like the dumping that has taken place on this property.

Mr. Morrey said he hopes Mr. Dalsing understands that this would be more viable than a commercial use would be.

There being no further discussion, Chairman Wenger called the question to recommend approval of the zoning district change from R-1A Single Family Residential District to RP-4 Planned Apartment Residential District.

VOTE: Bucher – yes, Hebert – yes, Manville – yes, Morrey – 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.

Chairman Wenger then called the question to recommend approval of the conceptual development plan for this development.

VOTE: Bucher – yes, Hebert – yes, Manville – yes, Morrey – 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.

New Business:

ITEM #3 SUNSHINE ELECTRONIC DISPLAY by Terry Steinbecker, agent – Requesting approval of the vacation of an alleyway located between 5th and 6th Street, starting at Sylvania Street and going south approximately 240 feet to Angelique Street; said alleyway is 20 feet in width.

Staff recommendation: Approval

Dustin Smith, City Planner, stated that this is a request for the vacation of an alley located between 5th and 6th Streets that connects Sylvania and Angelique Streets. It is for an alley that runs behind Sunshine Electronic Display. There are five properties adjacent to the alley. All the adjoining property owners have signed an agreement to the vacation. The city will retain easements. The applicant intends to pave the alley and clean it up. One half of the alley will go to property owners on each side of the alley. Dustin explained that they have already paved part of the alley. He also mentioned that there is an overhead door belonging to Aitchison-Richmond that will not be able to be used after the vacation.

Staff recommends approval.

Terry Steinbecker, 4718 Brookwood Terrace, appeared representing Sunshine Electronic Display. Mr. Steinbecker said the paving has been completed. They intend to acquire ownership of the adjoining properties where they can. Their intent is not to block any property owner, but to improve the access.

Steve Wenger said there are four conditions recommended by staff. Mr. Steinbecker said he is aware of the conditions and agrees to meet all conditions recommended by staff.

Mr. Morrey asked if there is any formal agreement with the other property owners. Mr. Steinbecker said no.

Mr. Morrey asked why they need a vacation. Mr. Steinbecker said they want to own the alley to the extent they can. Mr. Morrey said this is an alley that is currently being used.

Mark Manville said one-half of the vacated alley will be going to Aitchison Richmond so they must be in agreement with this. Mr. Steinbecker said that is also his assumption.

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 said Aitchison Richmond will not be able to use their 10 ft. of this alley if it is vacated. Dustin said property owners on the 5th Street side will have to come and go from the south, not the north. Mrs. Habert asked if we can make a condition for who may own it in the future that the adjacent property owners retain access. Dustin said we could not enforce a condition like that.

Mr. Morrey asked if there are any other instances in downtown where we have done this. Roger Sparks said he is only familiar where they conditioned the entire property for a couple of cross alleys on Felix.

Mr. Manville said there should be some type of agreement for maintenance and access but we cannot regulate it.

Mr. Morrey said he does not see a purpose for vacating this.

Mrs. Habert asked if the city will have to maintain the paved alley if this is not approved by Council. Roger Sparks said the city does not maintain very many alleys.

Mr. Taylor said all adjacent property owners will benefit. Mr. Manville said the other property owners have already benefitted.

Bob Bucher said this was a part of the original town of St. Joseph. He thinks we should change with the times.

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

VOTE: Bucher – yes, Hebert – yes, Manville – yes, Morrey – abstain, Taylor – yes, Wenger – yes.
Ayes – 5, Nays – 0, Abstaining – 1. Quorum vote is five votes. Motion passes.

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

1. Ownership of the land within the vacated alley shall be split evenly between property owners on each side of the alley;
2. The City will retain utility and access easements in the alley within which no building construction can occur and the alley cannot be enclosed or blocked by fence or other means;
3. The City may allow other utilities to remain in the easement, but no private utility located in the easement, presently and in the future, shall be granted exclusive easement either from the City or from the property owners following the vacation; and
4. Property owners shall not construct improvements over the easement with the exception of paving the alley.

ITEM #4 RUSSELL A. CAMPBELL by Stephen Briggs, agent – Requesting approval of a Zoning District Change from R-1A Single Family Residential District to C-3 Commercial District at 3411 Gene Field Road.

Staff recommendation: Approval

NOTE: 5% opposition has been filed by property owners within 185 ft.

Dustin Smith said this is located at the northwest corner of Belt and Gene Field Road. The property is just under one-half an acre in size. Dustin said we do not have a site plan or development plan for this property but we have been advised it will be a truck liner business. One of the major issues with this lot is that no access will be allowed to the Belt Highway. Because this will be a commercial activity in basically a residential neighborhood, they will be required to have a great deal of landscaping as a buffer. Staff recommends approval of this zone change.

Stephen Briggs, 400 Jules Street, appeared representing the applicant. Mr. Briggs said Mr. Campbell and Mr. Pinzino are both in attendance as well as Mr. Samuel C Jolley, owner of LineX.

Mr. Briggs explained that the property around this location to the south and to the west is zoned for single family residences; all other property is already zoned commercially. He said his client is requesting a zone change to C-3. They intend to sell the property to Mr. Jolley for the relocation of

his business. This zone change is compatible with the land use plan. He then gave the hours that LineX will be open for business. Access will be in the area of the existing driveway. Mr. Briggs said Mr. Jolley will lower the grade of the property so it is closer to street level, and he will construct a one-story building which will face Gene Field Road. The intention is to use brick wainscot on the front of the building. The buffer between this property and the residences located west of it on Gene Field Road will consist of a fence and landscaping as required by city code. He explained that the site will be too small for a high density commercial usage.

Bob Bucher asked if people live in this house at this time. Mr. Briggs said yes, they do.

Reba Hebert asked how much dirt they will be moving and what will happen to the properties to the west. Mr. Briggs said they want to bring the lay of the land down to the level of Gene Field Road and the Belt.

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

- Roxanne Maggart, 3304 Gene Field Road, asked why they want to move the LineX two doors down and have no access off the Belt Highway. She thinks this will create high traffic on the corner with the access on Gene Field. There is no reason to take away the residential zoning since the business is already on the Belt Highway.
- Bradley Mejia, 3407 Gene Field Road, asked if the buffer will have to meet city code. Dustin said the zone code has a landscaping part that requires the buffers to be in place prior to a certificate of occupancy being issued. Mr. Mejia said he is also concerned about the value of his home and the traffic. He said he is opposed to this zone change.
- Shelley Leuck appeared representing her mother, Jacqueline Elrod, who owns 3405 Gene Field Road. She asked if the advantages to the property outweigh the detriment. It is already difficult to get from your own driveway onto Gene Field Road. Earlier in this meeting, a developer said nobody wants to live next to a Jiffy Lube and once this is zoned C-3, many different businesses could locate here. The whole street is residential. She said she is opposed to the zone change.

Mr. Briggs stated that LineX has lost his lease at his current location. He also said they will be required to do the landscaping to protect the residential homes. Mr. Briggs explained that the lot is pretty small for any other C-3 use. He said it is unfortunate that commercial activity often occurs after residential.

Joe Morrey asked if LineX has any odors. Sam Jolley, 3702-1/2 Squire Lane, said there are no odors associated with the process.

- Angela Mejia, 3407 Gene Field Road, thinks they will lose property values. If Mr. Jolley does all the trucks for Altec and Herzog, that would be a lot of vehicles coming and going.

Reba Hebert asked if there is a buffer between them and the real estate business. Mrs. Mejia said there is a wall but it does not block very well at all. The recent ice storm removed all of the bushes that had been there.

- Dave Maggart, 3304 Gene Field Road, said he is opposed. Value of his property will go down. Traffic will be bad and will back things up at the Belt Highway intersection.

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

Joe Morrey asked why we are not letting them have an access to the Belt Highway. Roger Sparks said we are trying to eliminate as many new Belt Highway accesses as we can. This property is not really located on the Belt Highway because it will be accessed from a side street. Mr. Morrey said he thinks the traffic flow at the Belt Highway & Gene Field Road will be a problem. He asked if the Planning Commission should approve this zone change just because it meets the LUP. If approved as C-3, there are any number of commercial uses that could locate on the lot.

Dustin said the size of the property will eliminate some of the allowed uses on the property. This use will be one of the lowest commercial uses you can find. The location of the driveway would also restrict what type of business could be located there.

Joe Morrey asked if we can say this is too close to the stop light.

Steve Wenger said it is surrounded by residences but there is a lot of commercial in this part of town. Sometimes we need to be flexible with the land use plan. He said in his opinion, this is an aesthetically pleasing location.

Bob Bucher said the Land Use Plan is not set in stone. The entire Belt Highway is commercial but was this property designed to be a commercial property or a residential property? We still have to look at each property individually to see what fits.

Mark Manville said there is about a 300 ft. corridor along the Belt Highway that is zoned commercially. He asked Roger if the State controls access on the Belt. Roger said the city controls it as far as permitting the business and the State controls it as far as site distance and distance between driveways. Mr. Manville said this is a long pie-shaped piece of property. He asked if the driveway could be placed north as far away as possible from the Belt Highway intersection; or if there could be a cross parking access and not have a driveway on Gene Field. Dustin said we advised them the driveway has to be as far west from the Belt Highway as possible.

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

VOTE: Bucher – no, Hebert – no, Manville – no, Morrey – no, Taylor – no, Wenger – no.
Ayes – 0, 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 CITY OF ST. JOSEPH – Requesting approval of the vacation of a portion of an alleyway located between 6th and 7th Street, beginning at St. Joseph Avenue and going east approximately 111 feet; said alleyway is 15 feet in width.

Staff recommendation: Conditional Approval

Dustin Smith said this alley connects with St. Joe Avenue north of the new fire station. There was a relocation of the school crosswalk which has created some safety problems for the children. If the alley is vacated, they intend to pave the part that runs south to 7th Avenue. Thirteen property owners are adjacent to the alley but only two properties are directly adjacent. In this case, the entire alley will revert back to the city rather than half going to each property owner. Dustin said there are utilities in the alley, a telephone box and gas as well as water drainage.

Staff recommends approval. He said one home is adjacent to the alley; the other adjoining property is a business. Joe Morrey asked if the resident that is adjacent has agreed to the alley vacation. Dustin said no, they do not agree.

Joe Morrey asked where the property turn-around is located. Roger Sparks said it is like a “T” turn around at the south of the alley.

Mike Dalsing, Fire Chief, 401 South 7th Street, said Mr. (Chad) Allison does not want the alley vacated because of the condition of the alley behind his property. The fire department will pave from 7th Street all the way back. It is a very narrow alley and has the gas meter in it as well as a telephone pole. Chief Dalsing said they offered to purchase a piece of Mr. Francis’s property that is located due east, but Mr. Francis is not interested in selling.

Chief Dalsing said their generator is expensive and they have somewhat of a security issue since there is no one to protect it with people coming in and out.

Laura Moore, 2811 St. Joseph Avenue, appeared to speak in favor of this request. She stated that she is concerned but is in favor. As a part of the paving process, they will make her entrance and exit easier. She said she is somewhat concerned about water damage because of a 3” drop off. She encouraged them to develop a design that would direct the water drainage southeast into an unused part of the alley. She said she is also concerned about the quality of the asphalt they will use and who will be responsible for future repairs in the paved alleyway? Overall, she thinks this is a good thing.

Chief Dalsing said an ordinance still has to be approved by Council for the cost of paving the alley. If Council does not approve that, the Fire Department will not vacate the alley.

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

Joe Morrey asked if we can do this without the adjacent property owner’s consent. Mr. Bucher said he does not see this going forward if the man to the north does not agree to the vacation. Dustin said no eminent domain will be used. He said there is not a specific regulation requiring adjacent property owners to agree to the vacation, but there is the implication.

Steve Wenger asked what would happen if it goes forward and is approved without the adjacent property owner’s consent. Dustin said they could appeal it.

Roger Sparks said other Missouri cities require 2/3 to 3/4 of the abutting property owners to agree. He said there is nothing in our codes specifically indicating this. Mark Manville said it becomes a question of how the city acquired it. Was it a gift? Dustin said no. Roger said the alley was platted with the fire station and not the property to the north. Mr. Manville said if the Council approves the vacation of the alley, the citizen can appeal it to circuit court.

Joe Morrey asked if the adjacent property owner has received notification of this meeting. The secretary said no; we do not send notices for street or alley vacations. Chief Dalsing said he has talked to him and made him aware of tonight's meeting.

Reba Hebert asked why he is opposed to the alley vacation. Chief Dalsing said the condition of the back alley was the reason he gave to being opposed. In addition, the alley has been closed for two years during construction of the fire station.

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

VOTE: Bucher – yes, Hebert – yes, Manville – yes, Morrey – yes, Taylor – yes, Wenger – yes.
Ayes – 6, 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 CITY OF ST. JOSEPH – Requesting approval of the vacation of a portion of the 35th Street right-of-way from Mitchell Avenue north to 110 ft. north of the north line of Olive Street.

Dustin Smith said there is a property owner on a corner of Lafayette Street with a side yard on 35th Street who is interested in constructing a patio adjacent to her home. However, in doing so, she would be within the set back of the street and would, therefore need a variance. There is currently 70 ft. of right-of-way along 35th Street and the City only needs 60 ft. North of Olive Street there is only 60 ft. anyway. The proposed right-of-way vacation is 1,430 ft. in length. He said this is a ditched street. Staff recommends approval.

Bruce Taylor asked if there are a number of streets like this. Roger Sparks said yes, there are several. This is not a through street. Roger said 34th Street has a 70 ft. right-of-way also.

Dustin Smith said we are not going to make a habit of doing this, but in this case, it does make sense.

Bob Bucher asked if it will have to be quit claimed over to each individual. Joe Morrey said usually it is already the person's property – the city will just be releasing a part of the right-of-way.

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 further discussion. Chairman Wenger called the question.

VOTE: Bucher – yes, Hebert – yes, Manville – yes, Morrey – 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 #7 REPORT FROM CITY PLANNER/GENERAL DISCUSSION

- Dustin Smith said he has no report this evening.
- Joe Morrey asked why notifications were not sent in the alley vacation cases. However, he believes that on the application, there is a presumption that adjoining landowners agree, as indicated by the requirement and place for their signatures. He suggested staff recommend to the council adding something to the ordinance requiring 75% of all adjoining property owners to be in agreement, or all signatures be in place before approval would be valid. Roger said what he has read about other cities also requires publication in a local newspaper. Mr. Morrey said he thinks this should be a part of the code. Mr. Wenger asked staff for follow-up on this item.
- Bruce Taylor said he would prefer that approval is given prior to construction beginning on projects. He said there were two items on the agenda tonight that have already begun prior to approval. Roger Sparks said those cases were done with a right-of-way permit. If the vacations are not approved by Council, the alleys will have to be restored to the way they were before the closure was made. Mr. Taylor said he still would like to see an approval before they begin work.

There being no further business, Mr. Wenger adjourned the meeting at 9:45 p.m.

The next regular meeting of the Planning Commission will be held on Thursday, November 17, 2011 at 7:00 p.m.

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