

MINUTES
PLANNING COMMISSION
November 17, 2011
7:00 P.M. – COUNCIL CHAMBER

	<u>Name</u>	<u>Attendance</u>
MEMBERS PRESENT:	Bob Bucher	(11-1)
	Todd Euler	(3-1)
	Ann Fisher	(8-4)
	Joseph Morrey	(10-2)
	Jason Park	(7-5)
	Bruce Taylor	(12-0)
	Steve Wenger	(10-2)
MEMBERS ABSENT:	Reba Hebert	(11-1)
	Mark Manville	(6-6)

Quorum Present. Five members constitute a quorum.

STAFF PRESENT: Dustin Smith, City Planner
 Ted Elo, Assistant City Attorney
 Bruce Taylor, Civil 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 October 27, 2011 Bob Bucher made a motion to approve the minutes of the October 27, 2011 meeting as submitted. Todd Euler seconded the motion.

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

Staff requests the following two items be postponed until the December 15, 2011 meeting

- **PIONEER INVESTMENT by Ross Freeman, agent** – Requesting approval of a Zoning District Change from P-1, Downtown Precise Plan District to P-11, Uptown Development Precise Plan District generally located north of Faraon Street between 6th Street and 10th Street, and not extending past Hall Street on the north.
- **CITY OF ST. JOSEPH**—Requesting approval of an amendment to the **P-1 Downtown Precise Plan District** to remove that part of the downtown area bounded on the south by Faraon Street on the west by North 3rd Street; on the east by North 10th Street, and on the north by Robidoux Street in order to create a new legal description for P-1 that does not include any property that will be located in the P-11 Uptown Development Precise Plan.

These two applications will be heard at the December 15, 2011 meeting of the Planning Commission which will take place at 7:00 p.m. in the Council Chamber.

Old Business: None

New Business:

ITEM #1 JEFF PICKEREL – Requesting approval of a Conditional Use Permit to construct a church at 2407 Messanie Street on property presently zoned C-3 Commercial District.

Staff recommendation: Conditional Approval

Dustin Smith said this applicant wants to construct a church at this location. Churches and religious uses in any zoning district are required to have a conditional use permit. He explained that this parcel consists of four 25 ft. lots for a total of one 100 ft. x 30 ft. parcel, [editor's note: the parcel is actually 100 ft. x 130 ft.] or 13,000 sq. ft. He said he provided Planning Commission members with pictures showing the building elevation including windows. The property is designated as low density residential in the city's land use plan map.

Dustin said that staff recommends several conditions. First, due to the nature and character of the existing neighborhood, the building will be placed closer to the front property line so it will be more compatible with the buildings along that side of the street. Staff is requiring a front yard setback of no more than 10 ft. In addition, staff requests a minimum of 36" high stonework on the south, west and east side of the building in order to be more compatible, soften the building and make it a little more residential in nature. At this time, Dustin said he also wants to add a condition that there will be no direct access from Messanie Street. Rather, the property will be accessed from the alleyway located north of the parcel. Based on the number of seats in the church, 13 parking places will be required. The applicant intends to remove the existing structure currently located on the property. As a fourth condition, he would like to require that building be removed within three years. The existing building must be removed within three years after approval of the conditional use permit by the city council. Staff recommends approval with those four conditions.

Bob Bucher asked how long they are given to construct the new building. Dustin said that will be dealt with in the building permit process. Mr. Bucher asked what would happen if they do not construct a new building. Dustin said if they decide to use the existing building instead of constructing a new one, some of the conditions would not apply.

Joe Morrey asked how long after approval a conditional use permit is valid. Dustin said one year. Mr. Morrey asked why they want to remove the existing building; it appears to be substantial. Dustin said the applicant can address that question; however, he thinks it would cost more to rehabilitate the existing building than to construct a new one.

Ann Fisher asked if they are also going to build a strip mall. Dustin said no, only a church. If they ever want to add a school, day care center, or major modifications, they would be required to obtain an additional conditional use permit.

Lee Blakeslee, 505 South 24th Street, asked if they are going to pave the alley. He said it gets pretty muddy in the wintertime.

Dustin said the city is not requiring any improvements to the alley; furthermore, he does not think they are planning to make any improvements to the alley.

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

Ann Fisher asked if anyone is in attendance representing Jeff Pickerel who may be able to answer some of the questions raised.

Jeff Pickerel, 1617 Poplar, said city staff advised him of a program sponsored by the city to add gravel to the parking lot. If that becomes necessary, he said they will do that.

Mrs. Fisher asked if he is building one church. Mr. Pickerel said yes.

Steve Wenger said staff recommends four conditions for approval. He asked if Mr. Pickerel is in agreement to meeting the conditions. Mr. Pickerel said yes, for now.

Jason Park made a motion to add the following two conditions:

- No direct access will be allowed to Messanie Street.
- The existing building must be removed within three years after approval of the conditional use permit by the city council.

This would be in addition to the first two conditions recommended by staff:

- The lower portion of the building shall have a stone façade of at least 36 inches high on the south, west and east sides of the building;
- The building shall be placed no more than 10 feet from the front property line to be more compatible with other structures in the area;

Bob Bucher seconded the motion.

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

There being no further questions or comments, Chairman Wenger called the question for approval of the conditional use permit with the approved conditions.

VOTE: Bucher – yes, Euler – yes, Fisher – yes, Morrey – yes, Park – yes, Taylor – yes, Wenger – yes.
Ayes – 7, Nays – 0. Quorum vote is four 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.

ITEM #2 PIONEER INVESTMENT by Ross Freeman, agent – Requesting approval of a major preliminary subdivision plan to be known as The Quarters, Plat 1 on property generally bound on the north by Robidoux Street, on the south by Faraon Street, on the west by 7th Street and on the east by 9th Street. Said subdivision proposes 21 lots on property currently zoned P-1,

Downtown Precise Plan District, with a pending zoning district change to P-11 Uptown Development Precise Plan District.

Staff recommendation: Conditional Approval

Chairman Wenger reminded everyone that this item is only for the preliminary plat and nothing else will be discussed. Mr. Wenger then recused himself from the discussion and vote; Joe Morrey also recused himself.

Vice-Chairman Bruce Taylor requested a brief history of the uptown project.

Ross Freeman, President of the Pioneer Group, 1200 South Kansas Ave., Topeka, Kansas said that in February, 2006, Heartland issued a RFQ which they were granted to facilitate the construction of residential housing at this location. In December, 2007, the congressional appropriations provided money for public infrastructures in this area. He said their preliminary plan was to divide the property in half and developing the portion north of Robidoux Street first, then going south of Robidoux. By August, 2009, their lender pulled out of the real estate market which put them back to square one. At that time, they decided to locate a local builder, develop the area that already has infrastructure and zoning in place. In mid-2010, they selected a site and developed plans for a duplex/townhouse area, did engineering and architectural work. In addition, at that time they selected Tim Minson as their local builder. Mr. Minson, Larry Buck, Andy Macias (Snyder & Associates) and Mr. Freeman decided a better plan would be to begin construction between Faraon Street and Robidoux Street, which resulted in the plat presented tonight.

Larry L. Buck, 1007 E. St. Maartens Dr., said The Quarters is over 10-acres in size. There is currently a strong market for the “empty nester” market than any other (over 50 with no children at home). The overall development will be called the Robidoux District; The Quarters is one plat within the Robidoux District. The proposed homes will be one-story structures. All homes will be architecturally compatible to other homes in St. Joseph. The green area will be common area specifically for homeowners within The Quarters. The stroll way area from Faraon to Robidoux will be a public area. At this time, it appears the homes within The Quarters will sell at \$160,000 to \$300,000 depending on the interior finish.

Tim Minson, 507 Alexandria Court, Gower, MO, said this is a challenging property for residential development since it is located between large historic homes and downtown commercial areas. Mr. Minson gave accolades to Ross Freeman and his company. Mr. Minson said there is a lot of infrastructure that is state/federally funded for streetscaping, round-about, and heavy lighting. It will take up to two-years for it to all be approved. In Plat 1, the infrastructure is already in place. This has been a lengthy process and now they want to get something started to prove they are serious about the development. Mr. Minson said when the development is complete, it will be very attractive and an asset to that neighborhood of St. Joseph.

Vice Chairman Taylor asked if there are any questions from board members. There were none. Mr. Taylor asked if there is anyone who would like to speak in favor of this request.

Bob Dempster, President of Uptown, 721 Greenbriar Terrace said the economy has caused this project to be delayed until now. The Board of the Uptown Redevelopment Corporation encourages the Planning Commission to make a positive vote on this plat.

Vice Chairman Taylor reminded everyone that this discussion is only on the platting of The Quarters.

Ellis Cross, 503 North 5th Street, part owner of the original Robidoux District, said the plat looks too dense, there are going to be parking problems and street problems. He asked if an elevation plan is available. He said he does not want stone and brick veneer, plastic houses or a parking problem in the neighborhood.

Janet Sourk, #1 Pine Ridge, said she owns property in Cathedral and Hall Street historic districts. Ms. Sourk said we need to reflect on what impact this project may have on Hall Street. In the past, the Hall Street district was down zoned from R-4 to R-2 in order to encourage a lower density. This is preferable to creating apartments in the historic districts. The corner of 9th & Hall Street should not be desecrated and we should not give anyone eminent domain over a historic district. Ms. Sourk said the proposed homes are to be one-story which is not in character with historic homes. Lastly, Ms. Sourk said she has not heard any plans for the development of alley improvements, which makes it incomplete. The alley between 9th & 10th Streets and from Robidoux to Church provides off-street parking for upwards of 50 vehicles. She would like to see a plan developed recognizing that alleys are very much a part of the infrastructure in historic areas.

Dustin Smith said that some of these issues were addressed prior to this meeting. The staff report is focused on the design issue of The Quarters. One item staff was adamant about was the use of the alleys. An initial submittal included alleys; however, they were removed from The Quarters part of the plat and replaced by the strollways. Because alleys are such an important part of an urban core neighborhood, staff hesitated to recommend approval. However, because of the type of housing that is being proposed, marketing it to empty nesters, staff reluctantly agreed to recommend approval of the plat with the strollway instead of alleys.

In addition, Dustin said the developer submitted types of units which appear to be appropriate for the area. Regarding parking, Dustin said on-street parking would not change as a result of approval of this plat except that the driveways will come off of Faraon Street. Most units in the subdivision will have access to Faraon and/or Robidoux via shared access driveways, i.e. one driveway will provide access to two different units. The zoning ordinance requires 1.5 parking spaces per unit and including the parking in each unit's garage, there will be sufficient parking.

Dustin said a previous speaker stated that the boundary of the development goes to Hall Street. He said *that is incorrect*. An incorrect map was included with the letter sent to property owners. The properties at 9th & Hall Street are not included; no part of the Hall Street Historic District is included. Heartland owns all property within the area of The Quarters. Furthermore, there is no eminent domain planned. The Quarters only deals with 16 lots located between Faraon Street and Robidoux Street.

Dustin said staff recommends approval of this plat with the following conditions:

- City staff will need to determine the improvements that will be necessary for the public sewer;
- Access easements will be required for each shared access driveway;
- Approval of the Uptown Development District Precise Plan by the City Council;

- Approval of the change of zoning on the subject property from P-1 to P-11, effectively removing this property from the Downtown Precise Plan and placing it into the Uptown Development District Precise Plan.
- Approval of the Robidoux District Precise Plan and approval of the Amendment to P-1 Downtown Precise Plan to remove that portion of The Quarters property located north of Faraon Street.

Dustin said the property is designated low density residential which allows a density of 0-5 units per acre; The Quarters plat as proposed with 20 units yields a development density of 5.7 units per acre. For this area of the city, that is not out of line. If this plat is approved, at some time in the future, we will make an adjustment to the Land Use Plan indicating this area is high density, which allows 5-15 units per acre.

Vice Chairman Taylor asked if anyone else is in the audience who would like to speak in opposition to this request.

Jerry Reeve, 1316 Francis, said he is in favor of this project. He would recommend a condition regarding the architectural compatibility of the structures that will be built. Since it is not in a historic district, there is no mandatory review; however, he believes the new construction should be reviewed by the Landmark Commission or at the very least, the buildings should be required to meet the Secretary of Interior Standards for Historic Preservation.

Warren Smith, 20186 County Rd. 355, owner of 416 North 7th St. said he is in favor of development in this area but he is concerned about the driveways that will open on 7th Street. He explained that parking on 7th Street is at a huge premium now and any additional parking will be very detrimental.

Larry Buck said this development will have a great deal of architectural control. He said that each structure will have to be first approved by the Uptown's architectural design review board before coming to the City for approval. He explained that Mr. Freeman is a true preservationist in our country. Regarding alleys, Mr. Buck said most people would prefer to walk in a green space than in an asphalt alley.

Tad Binder, 3016 Lafayette Street, asked if any state money, property tax or public taxes will be used to help pay for the construction of this project. If not, he thinks we should let the people construct what they want.

Mr. Freeman said there is no state money going into this project. A TIF district was established here several years ago before the old hospital building was demolished.

Tom Newton, 615 North 9th St., asked if Heartland Hospital will collect any taxes from this after it is built. Dustin said the TIF was applied to the demolition of the previous structures and about \$1 million will be repaid back to the developer to Heartland from the TIF fund.

Janet Sourk said this information should have been shared in the Uptown Newsletter and it would have generated more discussion. The parking and driveways will make a big difference.

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

Jason Park asked if the sewer line goes clear through the development. Dustin said the easement on the drawing appears to be deceptive, but it does go all the way through. Mr. Park asked for the size of the sewer line. Dustin said it is a 4 ft. sewer line and is about 20 ft. deep.

Bob Bucher asked if we will be voting on the conceptual development plan. Dustin said no, the conceptual development plan will be forthcoming next month. Bob Bucher asked if we will be able to take into account the parking issues, particularly along 7th Street. Dustin said those type of issues would better be addressed with the Robidoux District plan. Mr. Bucher said he sees some problems with this development as presented.

Dustin said if those issues would modify a major aspect of the plat, for example concerns with parking on Faraon and Robidoux, there is a possibility they would need another option for parking, that being from the alley, which would require an alley. That, then, would affect the approval of this plat.

Bob Bucher made a motion to take into account the additional changes on the conditions recommended by staff. Ann Fisher seconded the motion.

Those conditions are:

1. City staff will need to determine the improvements that will be necessary for the public sewer;
2. Access easements are required for each shared access driveway;
3. Approval of the Uptown Development District Precise Plan by the City Council;
4. Approval of the change of zoning on the subject property from P-1 to P-11, effectively removing this property from the Downtown Precise Plan and placing it into the Uptown Development District Precise Plan.
5. Approval of the Robidoux District Precise Plan and approval of the Amendment to P-1 Downtown Precise Plan to remove that portion of The Quarters property located north of Faraon Street.

VOTE: Bucher – yes, Euler – yes, Fisher – yes, Park – yes, Taylor – yes.
Ayes – 5, Nays – 0. Quorum vote is three votes. Motion passes.

Ann Fisher said she cannot vote for any plan that allows driveways access onto Faraon Street. On 10th Street across from the Cathedral, there is no excess parking and 7th Street is equally as bad.

Dustin said striped parallel parking is 25 ft. in length. The driveways are not quite 25 ft. wide, so they would be losing one parking space per driveway for a total of five park spaces along Faraon Street. Mrs. Fisher said she is opposed to the driveways having access on Faraon Street. In addition, losing that many parking places will not leave room for visitors. She said an alley or something is needed for additional parking.

To clarify, Dustin said this plat does not include alleys, so a vote in favor of the plat is a vote for driveway access onto the streets.

There being no further questions or comments, Vice-Chairman Wenger called the question for approval of the conditional use permit with the approved conditions.

VOTE: Bucher – yes, Euler – yes, Fisher – no, Park – yes, Taylor – yes.
Ayes – 4, Nays – 1. Quorum vote is three votes. Motion passes.

The secretary stated there was not a quorum vote so the item would go forward with a recommendation of denial. Ted Elo said that is not correct. A simple majority of those present is all that is necessary to recommend approval; since we have 5 voting plus 2 non-voting members, there are 7 members present and 4 aye votes are needed for approval.

Therefore, this item will be forwarded to the City Council for final action with a recommendation of **Approval with conditions** from the Planning Commission.

ITEM #3 REPORT FROM CITY PLANNER/GENERAL DISCUSSION

- Dustin said the zoning district change for the Robidoux District Precise Plan and the item to remove the area of The Quarters will be on next month's agenda.

There being no further business, Mr. Wenger adjourned the meeting at 8:40 p.m.

The next regular meeting of the Planning Commission will be held on Thursday, December 15, 2011 at 7:00 p.m.

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