

MINUTES
PLANNING COMMISSION
December 15, 2011
7:00 P.M. – COUNCIL CHAMBER

	<u>Name</u>	<u>Attendance</u>
MEMBERS PRESENT:	Bob Bucher	(12-1)
	Todd Euler	(4-1)
	Reba Hebert	(12-1)
	Joseph Morrey	(11-2)
	Jason Park	(8-5)
	Bruce Taylor	(13-0)
	Steve Wenger	(11-2)
MEMBERS ABSENT:	Ann Fisher	(8-5)
	Mark Manville	(6-7)

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 November 17, 2011 Bob Bucher asked that a correction be made to the top of page 8, which should say, “Vice-Chairman Taylor” instead of Vice-Chairman Wenger. All agreed. Jason Park made a motion to approve the minutes of the November 17, 2011 meeting as corrected. Bob Buehler seconded the motion.

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

Ayes – 6, Nays – 0, Abstain – 1. Quorum vote is four votes. Motion passes.

Staff requests the following two items be postponed until the January 26, 2012 meeting due to the delayed submittal of the finalized Precise Plan document.

- **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 January 26, 2012 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 SELECTIVE SITE CONSULTANTS, INC. by Rex Currie, agent – Requesting approval of a Minor Subdivision Plat for the property at 3602 North Belt Highway to be known as Bluebird Node No. 3. Proposes two lots on property presently zoned C-3 Commercial District.

Staff recommendation: Conditional Approval

Minor subdivisions are approved or denied by the Planning Commission

Dustin Smith said this is a two lot subdivision of an 8.36 tract owned by MoDot. If approved, the smaller lot will be for Selective Site Consultants and the remaining tract will still be owned by MoDot. The applicant intends to construct a communications facility on the lot. Access to the site will be from Hirter Drive. It will be an unmanned facility so there will be no traffic. Also, there is no tower associated with it, so no conditional use permit is required.

Staff recommends approval with the following conditions:

1. Ensure the front setback complies with the zoning regulations in terms of the setback from the front property line and the center of the street; and
2. The site shall be landscaped to comply with Section 31-307 of the zoning code, which contains the requirements for landscaping telecommunications facility.

Rex Currie, 9225 Indian Creek Parkway, Overland Park, Kansas, appeared representing Selective Site Consultants. Steve Wenger asked how many sites like this does Selective Site Consultants have in northwest Missouri. Mr. Currie said there are about 54 sites and they are needed about every 400 miles. It will be a 12' x 28' equipment shelter that will house the equipment. Mr. Wenger asked if these sites help bring broadband into the rural areas. Mr. Currie said yes.

Joe Morrey asked if Selective Site Consultants is a not-for-profit. Mr. Currie said no, it is for profit. He said they provide broad band fiber optic to schools, hospitals, colleges, etc. from Canton, Missouri to St. Joseph. Mr. Morrey said that this particular location seems too congested for a fiber optic facility. Mr. Currie said the site works well for them and it is adjacent to MoDot. They are working with MoDot on the entire project. Mr. Morrey asked if Selective Site Consultants have purchased the property. Mr. Currie said yes.

Bruce Taylor said the lot has a large change in elevation on this property. Will that have to be corrected by grading? Mr. Currie said he does not know the answer. They have not yet completed their site plan, but he does think it will have to be a level site.

No one else appeared to speak in favor or in opposition to this request. Chairman Wenger closed the public hearing. There were no further questions so Chairman Wenger called the vote.

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

This item has been approved by the Planning Commission with the two conditions recommended by staff.

ITEM #2 ANTHONY J. NITTI – Requesting approval of a zoning district change from M-2 Heavy Manufacturing District to R-1B Single Family Residential District for the property located at 2544 So. 10th Street.

Staff recommendation: Denial

Dustin Smith said the applicant is not in attendance. He asked if the Planning Commission wants to proceed with this item. Chairman Wenger said yes.

Dustin said Mr. Nitti gave his reason for requesting a change of zoning as being able to get a better interest rate on the mortgage of his property. Dustin said he advised Mr. Nitti from the beginning that he would probably recommend denial because the reason is focused on an individual rather than the property itself. There have been no changes associated with the area or the property that would justify the change of zoning. There is a large area of residences adjacent to this property to the north, even though that area is zoned for manufacturing. Many areas in St. Joseph that are located in old industrial areas and/or along railways are zoned manufacturing even though they are, in fact, used for residential. However, the character of the area at 10th and Garfield is very much a heavy commercial/light manufacturing use. Mr. Nitti's property is being used as a construction business as well as his home. There are trailers, trucks and a sign on the building indicating the business. Dustin said the current zoning of manufacturing would be more beneficial to Mr. Nitti. The residential part of the property is considered a legal, nonconforming use and, as such, could be rebuilt if it were destroyed by fire, flood, etc. They can also add to the residential structure. However, anything other than a residence, if it is legal nonconforming use, would not be able to be rebuilt after manmade or nature disaster. In other words, if the zoning were changed to a residential zoning, the business would then be considered a nonconforming use and he would not be able to add on to the structure or to rebuild the structure if it were destroyed.

Dustin said that Mr. Nitti contacted the City Manager's office today stating his understanding that the Planning Commission would not be considering this item tonight since staff recommended denial. He said that staff sent a letter last week to Mr. Nitti advising him that he needs to attend this meeting. In addition, the Director of Planning and Community Development contacted him today by telephone advising him that he needs to attend this Planning Commission meeting in the interest of the item moving forward.

Mr. Wenger asked if there is any merit to the zone change other than the lower interest rate on the mortgage. Dustin said not that he is aware of.

Bob Bucher thanked Dustin for doing such a good job on this staff report. He asked if Mr. Nitti understood what was going on, because he put down a significant amount of money for the application fee. Dustin said that before Mr. Nitti filed his application, he did advise him that staff would probably recommend denial and that the filing fee is non-refundable.

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

Dustin said we received a letter of opposition that came in after the packets were mailed out.

Jason Park asked if Mr. Nitti has obtained his business license yet. Dustin said he has not.

There was no further discussion on this item. Bob Bucher made a motion to recommend denial of this request. Joseph Morrey seconded the motion.

VOTE: Bucher – yes, Euler – yes, Hebert – 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 denial from the Planning Commission.

ITEM #3 RUPP FUNERAL HOME by J. L. Robertson, agent – Requesting approval of a zoning district change from R-1B Single Family Residential District to C-1 Neighborhood Shopping District at 6040 and 6044 Pryor Avenue

Staff recommendation: Approval

Note: 8.3% opposition was filed by a property owner within 185 ft.

Dustin Smith said this property has been used as a funeral home for many years. In order for an expansion, they are requesting a zone change to C-1 on two of the adjacent lots. Dustin explained that a conditional use permit was approved in 2007 for the parking on the residential half of a lot associated with this funeral home. The house at 6044 Pryor has been removed to make room for the expansion; the house at 6040 Pryor will remain. The site plan and building plans are not part of the application for zone change. Dustin explained that there may be some increase in traffic associated with the expansion but he does not think it will be noticeable. Staff recommends approval of this request.

Steve Wenger asked how many properties were in opposition to this request. Dustin said one property owner with a total of 8.3% opposition filed a protest.

J. L. Robertson, 1710 Mansfield Road, appeared representing Rupp Funeral Home. Mr. Robertson said they have been planning this expansion for a long time. They intend to construct a new chapel and a couple of new restrooms.

Todd Euler said the opposing citizen is in opposition to a crematory being constructed at this location. Mr. Robertson said he does not have a crematory license and he does not plan on adding a crematory. If that ever happens, it will not be on this property. Since they are located in the middle of a residential neighborhood, he does not think it would be an appropriate location.

Mr. Robertson said the remaining house will not be demolished; furthermore, landscaping will keep the funeral home from being seen from that home.

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 further questions from the Planning Commission, so he called for the vote.

VOTE: Bucher – yes, Euler – yes, Hebert – 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 from the Planning Commission.

ITEM #4 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN/SECRETARY FOR CALENDAR YEAR 2012.

Bob Bucher nominated Jason Park as Chairman. Bruce Taylor made a motion that nominations cease. Mr. Park was then elected by acclamation.

Bruce Taylor nominated Joseph Morrey as Vice-Chairman/Secretary. Reba Habert made a motion that nominations cease. Mr. Morrey was then elected by acclamation.

ITEM #5 REPORT FROM CITY PLANNER/GENERAL DISCUSSION

- Joseph Morrey asked how members know when their term will expire and whether they can be reappointed. The secretary explained that if you have served one full five-year term, you cannot immediately be reappointed. However, if you are serving a part term, completing someone's term who has resigned, you are eligible for immediate reappointment to a full five-year term. She said she would provide Mr. Morrey with a list of members and their terms of office.
- Dustin said a gentleman approached him this week about getting an entire neighborhood rezoned. The gentleman is going to do all the legwork to get the necessary paperwork signed. Dustin said it will not be a mandatory thing, but totally voluntary. It is in the vicinity of 21st and Commercial.
- Dustin said the Downtown Review Board has recommended approval of the change to the P-1 Downtown Precise Plan to remove that part that will be in the P-11 Uptown Precise Plan. It will be on the Planning Commission agenda for January 26, 2012.
- Joe Morrey asked if we have anything scheduled to update the Comprehensive Land Use Plan. Dustin said we will probably start working on that in February or March.
- Bruce Taylor asked about the turn lane at the corner of Belt and Gene Field Road. Roger Sparks said we have not pushed on that, but the project is on schedule to finish this winter. He thinks Council will support this project and determine a way to fund it. Mr. Taylor asked if the expense of this will be on the city. Roger said yes. He said there is an outside chance the County may help fund the project.

There being no further business, Mr. Wenger adjourned the meeting at 7:50 p.m.

The next regular meeting of the Planning Commission will be held on Thursday, January 26, 2012 at 7:00 p.m.

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