MINUTES
PLANNING COMMISSION
July 25, 2019
7:00 P.M. – COUNCIL CHAMBER

FINAL AMENDED MINUTES

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<tr>
<th>Name</th>
<th>Members’ Term Attendance (mtgs attended-mtgs absent)</th>
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<tr>
<td>Phillip Vaughn</td>
<td>(18-08)</td>
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<td>Reba Hebert</td>
<td>(40-06)</td>
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<td>Lauren Catron</td>
<td>(17-07)</td>
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<td>Ted Hauser</td>
<td>(38-13)</td>
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<td>Donna Jean Boyer</td>
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<td>Bob Bucher</td>
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<td>Brandon Tritten</td>
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<td>Allison Tschannen</td>
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<td>Ben Burtnett</td>
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STAFF PRESENT:             
Ted Elo, Assistant City Attorney
Nic Hutchison, City Planner
Reed Schwartzkopf, City Engineer
Amber Lattin, Assistant City Planner

Call to Order – Hebert called the meeting to order at 7:00 pm.

Hebert admitted certified copies of Chapters 11, 26 and 31 of the Code of Ordinances into evidence.

Quorum is present. Five members constitute a quorum.

Hebert read the rules of conduct.

Postponements/adjustments to the agenda –

None

Unfinished business –

None
Minutes of the Meeting, June 27, 2019 –

Catron made a motion to approve the minutes. Vaughn seconded.

Ayes – 6, Nays – 0, Abstain – 3 Minutes approved.

New Business-

ITEM #1 Zoning District Change – A request for approval of a change of zoning from R-1B, Detached Single Family Residential Zoning District to R-1SH, Single Family/Small House Residential District for the property located at 224 E Missouri, as requested by William Glover.
Zoning District Changes are approved or denied by the Planning Commission
Staff recommendation: approval

Hutchison gave the staff report.

Boyer asked Hutchison if small home/small house areas has a certain square footage or area that could be set aside for a small house and how many small houses could be placed in a particular area.

Hutchison responded that it is for single families so it would be one structure and there is a maximum square footage for the zoning district, so any structure under 900 square feet would be applicable to the small house single family residential zoning district.

Boyer asked Hutchison about the picture on their screens and if in general if the lot size of the request is the size of a small house area.

Hutchison responded that this request exceeds the minimum requirement as far as the lot size, so the minimum lot size is 2,250 square feet, because it’s on a corner lot, the minimum frontage is 40 feet and the request is 62 feet and the lot depth is the minimum 75 feet and this one is 116 feet.

Boyer stated that she thought the idea of small houses was to put several in a small area.

Bucher agreed with Boyer.

Hutchison responded that if you do more a planned unit development type small house with rear access and a common space in the center, but you could have an individual small house as well.

Bucher stated to Hutchison that the way this is developing, he had thought it was going to be an area, like a district, but what this shows is that you could take any lot, any place that meets the
requirements right in the middle of R-1A or B and rezone it to make it a small house lot. Bucher
doesn’t believe it was the intent for the small house district.
Hutchison responded that the small house district was created to provide regulation and control
over tiny houses being located in residential districts and therefore go through this public process
and have the oversight of the placement of the structures, it’s a growing trend and something we
want to make sure that we’re keeping the identity and character of a neighborhood as it was
originally planned and constructed.

Boyer stated that her concern is if you have a neighborhood that has a number of large houses on
the block, and some of the older neighborhoods where there are older homes that are 2 stories
and have 8 to 10 rooms, possibly there could be a small house in between 2 large big structures.

Hutchison responded correct

Hebert stated that only if this particular zoning is approved just like any other time, we have
applicant applying for zoning the commission takes into account the land use plan, how
appropriate is the zoning that’s being requested for the area where it’s being done. They would
still have the authority to deny it if we didn’t feel it was a good fit.

Boyer stated that the reason she is asking these questions now is not to say one way or another
on how she feels about the particular project, but rather whatever they decide will set a
precedence. She stated that she thinks they need to look at these requests very carefully, so they
understand fully what they are doing when they set a precedence.

Hebert mentioned that it will be on a case by case and each area be considered separately.
Although they are setting precedence, each one has to be looked at individually.

Hutchison stated that if you went through the neighborhood and analyzed a 900 or less square
foot house is comparable to some of the homes that are preexisting. He has stated that this is
about a zoning district change and not specifically the existing structure for this particular
situation.

Boyer stated that she asked those questions in general before they got to a specific instance.

Hebert asked Hutchison if the applicant is not able to meet the conditions down the road, if they
were to approve the request, but the building, we don’t grant a variance or they don’t meet the
conditions, will it revert back to the existing zoning.

Hutchison responded correct

William Glover – 515 E Colorado. Spoke in favor of the item.

Bueher Burtnett asked the applicant how many people would occupy the small house.
Glover responded he would be the only occupant and the structure is only 500 square feet. He mentioned that he has a front porch and an electrician ready to work on his small house.

Boyer asked the applicant the picture of the existing structure looking more like a shed rather than a house. She asked what he is going to do this structure to bring into compliance with the code.

Glover responded with his plans to bring the structure into compliance with city codes.

Hebert asked the applicant if he is willing to meet all the conditions of the request.

Glover stated he was willing to meet the conditions.

Vaughn asked Hutchison how long the applicant had to meet the conditions.

Hutchison responded that the applicant has until October 31, 2019.

Glover submits a list of signatures from people within the area of the request that are in favor of the rezoning.

Boyer asked the applicant about the list of people he submitted to the commission and the area these people reside.

Glover responded that most of the names are from the neighborhood.

Boyer asked the applicant if the names on the list were property owners or renters.

Glover responded that it varied, there were both.

Bucher asked the applicant if they do or don’t live in neighborhood.

Glover answered that some of the names were of employees that work in the area and others are residents.

Hebert asked the applicant if he kept a copy of the list.

Glover answered he did but would like a copy of the list scanned and sent to him.

Hebert reads aloud the names on the list and notes that there were no addresses listed next to the names and has the list passed around among the commission to view. She also mentioned to the commission that the vote is on the rezoning and staff would oversee making sure all the conditions are met and the property would revert back to the original zoning if the conditions are not met.

Jason Eslinger – 5641 S 2nd Street. spoke in opposition, he owns property across the street.
Eslinger asked Hutchison if the reasoning for R-1SH, the way he understands it is due to the setbacks on some lots not allowing big homes, which is how they can change the zoning. Hutchison responded correct

Eslinger continued to speak in opposition of the item

Hebert asked Eslinger about the lot staying vacant if small houses are not done

Eslinger stated he does not have an objection with small house zoning, he has an objection with what is currently located on this particular lot. He mentioned there are very few lots in this area that would meet setbacks to put a house back on the vacant lot.

Hebert mentioned the conditions city staff has imposed on the applicant

Eslinger stated the proposed structure will not meet city codes

Hutchison mentioned the list of conditions that the applicant must meet in order to maintain the small house zoning district

Eslinger stated he is not opposed to the small house zoning district just is in opposition of this request

Doulas Hill – 5027 King Hill Avenue, spoke in opposition to the item.

Hill asked Hutchison if there are other small house zoning districts

Hutchison answered there are not currently any other small house residential zoning districts in St. Joseph.

Hill continued to speak in opposition of the item

Arthur Hecker – 209 E Colorado, spoke in opposition to the item, he is a resident of the neighborhood.

Kent O’Dell – 2701 Pear, spoke in opposition to the item, he is a resident of the neighborhood.

Hebert mentioned to O’Dell that they wrote the zoning regulations for 1SH for small houses and asked O’Dell if he was present when that went to council

O’Dell answered that he probably was present considering he tries not to miss any of the city council meetings. He stated there were not minimums wrote down or decided yet because they were going to get committees to help do it right. O’Dell stated he has no problem with the zoning but stated there needs to be a minimum standard somewhere

Hebert asked O’Dell what the suggested minimum standard would be
O’Dell answered that he is unsure, but maybe 400 square feet. He stated he just wants to make sure it is big enough structurally so someone could buy tool sheds and put them together to create a house. O’Dell mentioned that he wants the small homes to looking appealing for the neighborhoods. He stated the small homes need to obtain the integrity of the neighborhood.

Hebert asked O’Dell if he understands the vote is for the zoning of the property not the structure on the property.

O’Dell responded that he understands, he would like staff to follow through and make sure the conditions are met on the small home. He continued on and stated that there needs to be a minimum standard on small homes.

Hebert mentioned O’Dell’s shipping container home and that staff does a great job handling zoning regulations.

O’Dell mentioned the structure of his new shipping container home. He mentioned again he has no problem with the zoning just the shed that would be the small home.

O’Dell and Hebert discuss briefly their shipping container homes.

Michael Bodde – 215 E Kansas, spoke in opposition of the item, he is a resident of the neighborhood.

Discussion was held between commissioners and staff on zoning regulations regarding rezoning and small homes.

Boyer mentioned that Eslinger made a good point about the lots and older homes. Boyer asked Hutchinson if it would be possible to build a single-family home on the lots that they are viewing while following current regulations.

Hutchison answered that the applicant could construct a single-family residence in its current zoning classification and meet all of the requirements. It’s a 7, 500 square foot lot, therefore it would meet all minimum lot size requirements.

Boyer asked Hutchinson if they would be okay next to the neighbor, if there would be room between them and their neighbor.

Hutchison answered correct.

Boyer continued to state that there have been examples of people in which had a home built up next to them.

Vaughn asked Hutchinson if this met the size requirements for the rezoning. Hutchison and Hebert answered that it exceeds. Hebert stated that it’s bigger than it would have to be.
Vaughn continued and stated that’s what he meant

Hebert explained that the lot size required for a 1SH zoning

Vaughn asked if that meant the structure is within the proper perimeters, or it’s too big

Hebert answered that it’s fine, the lot size is fine. It exceeds what we require

Hutchison explained that the zoning code only establishes minimums

Vaughn asked but not maximums

Hutchison answered correct

Bucher asked about the lot minimum and mentioned that he thinks the lot minimum is far too small. He continued to state that because of the minimum requirement, the request of the small house is eligible to be placed on this property.

Boyer stated she does not think this structure qualifies as a house.

Hutchison answered the structure is currently tagged

Vaughn stated that the structure would have to meet certain requirements

Catron asked Hutchison if the applicant will have to remove the structure if the motion fails

Hutchison answered correct, that would be part of the conditions

Boyer asked Hutchison if the applicant would have to remove the shed if he doesn’t

Catron asked Hutchison if we don’t pass the motion

Hutchison replied that if the applicant doesn’t bring the existing structure into compliance with zoning and building regulations, he will have to remove the structure

Vaughn asked Hutchison for the size of the shed

Hutchison answered the shed is 24 by 12 square feet

Boyer asked Hutchison if the applicant would have to remove the structure plus the fact that the zoning would revert to the original zoning

Hutchison answered to the R-1B, single-family residential
Vaughn asked if the applicant wants to use this structure it would have to be removed and a foundation placed
Hutchison answered correct and stated that it would have to be on a continuous foundation with frost footings

Boyer asked if they pass the small house zoning, this structure would have to be removed regardless even if the zoning is changed

Hutchison answered that part of the condition of the rezoning is that it gives the applicant time to seek a variance from the zoning board of adjustment which is the reasoning the applicant has until October 31, 2019 to go through that process

Hebert stated or meet those conditions

Ted Elo stated that anyone wishing to speak need to come up to the microphone

O’Dell stated that the commissioners need to aware of what they are voting on when considering this small home zoning

Buchler stated he is confused and asked if the existing structure was the intended small home

Hutchison answered correct and explained that is the reasoning the applicant is going through the process to make the existing structure compliant with the city codes and will have to be removed if it is not feasible

Buchler stated he thinks that should happen first and there would a facility that meets the standards that the commission could approve the zoning for

Hebert reminded the commissioners of the zoning process for the zoning district change of a property

Boyer stated that she would like for the commission’s first small house zoning to be a good example and something to be proud of and to be progressive and not to be encouraging a structure that would not be compatible with the neighborhood

Hebert stated that the city staff will ensure the structure meets international building codes because the commissioners are not voting on the building, the voting is on whether or not the applicant can move ahead and meet the conditions of the building codes. The commissioners are voting on the zoning appropriate for the area, does it align with the land use plan, that is what the commissioners are asked to do tonight

Boyer asked Hutchison to go over the minimum standards of the building code for a home Hutchison answered the Chief Building Official would be able to answer those particular questions as they oversee that section of the code, but Hutchison would happy to locate the information to provide to her moving forward

Boyer stated that she will have to think over on whether she wants the information or not
Bucher Burtnett makes a motion to deny the motion

Hauser seconds the motion to deny

Hebert stated that the motion is to deny the zoning district change

Vaughn asked if the yes vote would deny the motion

Hebert answered correct

Bucher stated that he thinks the request does meet the requirements as set forth in the current zoning and stated that he strongly urges the commissioners to make a change in that. He continued that he does not think it’s appropriate for the neighborhood which is his reasoning for denying the request.

Boyer asked Hebert if she could ask another question of a commissioner

Hebert answered sure

Boyer questioned Bucher he doesn’t think the zoning is appropriate, the small house zoning is appropriate for the neighborhood

Bucher answered that this particular request is not appropriate for the neighborhood

Burtnett stated that this was kind of a dilemma. He mentioned he has researching these small houses and tiny houses in other cities and with lots like this request in other cities neighbors will come together and purchase the lot to make community gardens which takes care of undeveloped land and does well for the city

Hebert stated that as a commission she would like to see roof tops, invest in multiple lots and build a nice size house and collect taxes on. Hebert continued on to remind the commissioners what the motion was to vote on

Boyer asked what they are basing the vote on and then asked Hutchison if there were standards, they would need to base the vote

Hutchison answered correct

Hebert explained the standards and the vote to the commissioners

Boyer stated that the commissioners really need to consider why they would turn down the request, what standard if the request is denied

Hebert mentioned that area needs to be considered

Boyer asked if a yes vote denies the request and a no vote approves the request
Hebert answered correct because commissioner Burtnett moved to deny the request.

Ted Elo stated the motion was seconded by commissioner Hauser.

Burtnett made a **motion to deny** the request. Hauser seconded.


Ayes – 3, Nays – 6, Abstain – 0   Motion [failed](#).

Hutchison gave a preview of next month’s meeting.

The meeting adjourned at 8:04 pm.

Minutes respectfully submitted,

Amber Lattin

cc:  Paula Heyde, City Clerk
     Planning Commission Members
     J. Bruce Woody, City Manager
     Clint Thompson, Planning & CD Director
     Ted Elo, Assistant City Attorney
     Brady McKinley, Civil Engineer
     Mark Townsend, Technology Associate Director