

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING

**PLANNING COMMISSION/
BOARD OF ZONING APPEALS**

August 15, 2006

Commissioners Present: Cowman, McLean, L. Smith, Gage, Minden and Rhodes

Others Present: Brian Faust, Amy Barenklau, Ross VanderHamm, Brian McCauley, Dave Snodgrass, Carol Everhart, Michael Hamilton, Harold Sevy, Jack Rowlett, Jr., Mary Barkis Johnson, Martha Barkis Kuder, Dennis Doherty, Dick Allenbrand

Item 1: Consider the minutes for the July 18, 2006 meeting.

Chair Cowman called the meeting to order with the first order of business the consideration of the minutes from the July 18, 2006 meeting.

Commissioners Rhodes and Smith made a motion to approve the minutes with all Commissioners voting in favor.

Item 2: 1-Year CUP Review: Heavy Retail & Service usage at 915 N. Pearl (Mobile Dynamics – Original number 05-CUP-04)

Staff notified the Commissioners that attempts had been made to contact the owners by phone and by visiting the place of business. Staff stated that a letter had been mailed to the applicant asking about their intentions in regards to renewing the Conditional Use Permit.

Staff recommends a one-month extension to determine if the renewal process will occur at the September meeting, or if revocation of the Conditional Use Permit will proceed.

The Commissioners were in agreement to give the applicant a chance to pursue the renewal if they so choose.

Item 3: Items from Staff

a> Update on Light Industrial CUP: The publication for the Conditional Use Permit that is being sought by Thomas and Jayme Morris was not in the newspaper in the timeframe to allow the public hearing this month. Staff is now aware of email issues with the newspaper office and will follow up to ensure that publications in the future are received by newspaper staff for inclusion in necessary editions.

b> Interpretation of front façade of house: Staff is seeking clarification to the LDO in regards to the front of a house in the growth area. The property is landlocked on a dead end private road. Property is addressed off of 319th Street, but it ends at Harmony Road and continues on private drives to the property. The attached picture shows the layout of the property in regards to roadways and the layout of the residence and proposed accessory structure. Staff initially felt that the view of the home upon entering the property was the front of the home, upon further investigation, it could be interpreted that the house actually fronts East to the pasture and 169 Highway.

Staff is looking for assistance in determining the front façade of the residence. The LDO states the following:

Lot Line. A line or boundary that surrounds a lot. There are basically four types of lot lines—front, rear, side, and street. See Figure 23.313.

1. Front lot line. The street lot line from which the unit takes access; or where more than one (1) street yard could safely provide this access, the street serving the small traffic volume.
2. Rear lot line. The lot line opposite the front lot line.
3. Side lot line. The lot line that runs generally perpendicular or at angles to the street.
4. Street lot line. Any lot line that is also street right-of-way line.

Commissioners asked about the original entrance to the residence before the addition was built onto the home and asked Staff to investigate. There was much discussion about the location and lay of the house and possible entrances into the residence. Staff was directed to speak with the owner and determine where entrance had originally been made into the residence and if entrance was originally made on the South East side, then to consider that the front façade and allow the barn to be built as the homeowner desired.

c> The Villas at Gentry Estate: Senior apartments by Overland Ventures at 900 N. Hospital Drive. Previous proposal for this project was on Paola's Square, since that time, the partners have been able to secure property North of Prairie Place Apartments and South of Sundance II. The site area is approximately 9 acres in the Thoroughfare Access zoning district. Staff has enclosed a picture of the proposed site location, a proposed site plan and some sample pictures for your review. Information provided to the City Council indicates they will be looking to get approval for 25 units and a clubhouse. It appears that they will be looking to fast track the plans and plat once they receive approval from the State of Kansas for funding.

City Manager VanderHamm updated the Commissioners on the process for the project.

d> Green Acres: In preparing the plat for recordation, the applicant and Engineering firm discovered there is currently a development in Miami County with this name. They have

requested a name change to Osage Estates. This is an administrative change, only and Staff wanted to keep the Commission informed.

e> Prairie Place Condominiums: Staff has been involved in discussions on converting the apartments to condominiums. The owner is looking to move forward with the conversion. There is some discussion as to the exact definition of condominiums. The building code has some specifics, but the current LDO does not have a specific definition for condominiums and requirements for purchase of building / lot, covenants, property maintenance, etc. Does the Commission desire staff to work with Jim Kaup to add a definition for this specific use to the LDO?

City Manager VanderHamm spoke with the Commissioners in regards to the definition, and indicated that it is not common to have the definition spelled out. Dave Snodgrass was in attendance and talked to the Commissioners about his potential plans for the property and explained that he had researched other communities and they do not have definitions for condominiums. He explained that some other jurisdictions look at the property as having one owner, the Home Owner's Association and they own all but the immediate living space of the units. They are basically still treated as apartments, except the owners are able to sell their space.

Commissioner Gage inquired about management and maintenance of the properties. Commissioner Rhodes inquired about potential problems if condominiums were not defined in the LDO. City Manager Ross VanderHamm explained about difference in requirements for firewalls in different types of buildings.

The consensus of the Commissioners was that they did not feel there was an immediate need for condominiums to be defined in the LDO at this time.

f> Cedar Heights / Country Club Heights: Harold Sevy has provided staff a very preliminary draft of what he would like to propose. In researching and preparing to begin work on Cedar Heights, it became evident that it would be too costly to proceed with the original plat that was approved. He is now looking to combine these 2 projects and wants some feedback from Staff and the Commission to see if there are any concerns before proceeding with the engineering.

Harold Sevy was in attendance and spoke to the Commissioners about the new plan. Commissioner Minden inquired about maximum number of lots in a cul-de-sac. Staff indicated that they had not compared the concept plan to the LDO to confirm any requirements at this point. The Commissioners seemed to feel that the concept made sense and were receptive to the idea.

g> Comprehensive Plan Update:

Ms. Lee was in attendance and would like to talk with the Commission about the status of the update to our Comprehensive Plan.

The Commissioners discussed the Economic Development issue paper with Wynndee Lee and offered feedback.

Item 3: Items from the Planning Commission

There were no items from the Planning Commission at this time.

Item4: Adjourn

Commissioners Rhodes and Cowman made a motion to adjourn with all Commissioners voting in favor.