

**MINUTES OF THE PLANNING COMMISSION MEETING**

**PLANNING COMMISSION/  
BOARD OF ZONING APPEALS**

**August 17, 2010**

**Commissioners Present:** Cowman, McLean, Gage, Smith, Bonner, Wrischnik

**Commissioners Absent:** Peterson

**Others Present:** Mike Gotfredson, Amy Barenklau, Brian McCauley, and Dwight & Sherry Francis

**Item 1: Pledge of Allegiance**

**Item 2: Consider minutes from the July 20, 2010 meeting**

Chair Cowman called the meeting to order. The first order of business was the consideration of the minutes from the July 20, 2010 meeting.

Commissioner McLean stated that though the minutes indicated he was absent, they also reflected he had seconded the motion to approve the minutes.

*Commissioners Cowman and Gage made a motion to approve the minutes as corrected. Commissioners Smith and McLean abstained; Commissioners Cowman, Gage, Bonner and Wrischnik voted in favor.*

**Item 3: Public Hearing: Consideration and vote on a Conditional use permit for a Daycare at 5 East Piankishaw, Dwight Francis, applicant.**

*Commissioners Cowman and Gage made a motion to open the public hearing. All Commissioners voted in favor.*

Planner Gotfredson presented the staff brief and gave a brief overview of the applicant's request. A brief review of the LDO criteria for approval of Conditional use Permits was given. Mr. Gotfredson indicated that the LDO states that the maximum number of children is determined by state regulations, which require a certain ratio of children to adults based upon age. The applicant has requested a maximum number of 60, but do not have immediate plans to accept that many children, as they have plans for 2-3 employees at this time.

Planner Gotfredson explained that the required spaces need to be striped, and that the existing spaces are adequate and no additional parking will be required at this time.

Planner Gotfredson's findings are that the application is consistent with Section 21.220 and the conditions of approval are consistent with Section 21.222 of the Land Development Ordinance. Additionally, the application will not be detrimental to the health, safety or general welfare of the community.

Planner Gotfredson recommends approval of the conditional use permit with the following conditions:

1. Outside play areas shall be fenced.
2. The day care provider shall be licensed by the State of Kansas.
3. The maximum number of children may not exceed 60.
4. The first conditional use permit shall be valid for a maximum of one year from the date of approval. The first renewal of the conditional use permit may be approved for three years. Subsequent renewals may be approved for up to five years. Renewals are subject to the publication, notification, and public hearing requirements of the initial approval.
5. Striping of required parking spaces.

Planner Gotfredson stated that the applicant was in attendance to answer any questions.

Commissioner Cowman inquired how the maximum of children had been derived. Mr. Francis explained that they had used the State's calculation based on square footage of the facility. Commissioner Smith asked about hours of operation and Mr. Francis indicated they plan to be open 6 am to 6pm with a possibility of maybe one night per month that would be a parent's night out when they would stay open to about midnight.

Commissioner McLean and Smith both stated that the location seemed to have worked well previously.

There were no comments from those in attendance.

*Commissioner Cowman and Bonner made a motion to close the public hearing. All Commissioners voted in favor.*

There were no comments from those in attendance.

*Commissioners Cowman and Gage made a motion to close the public hearing. All Commissioners voted in favor.*

*Commissioners Cowman made a motion to recommend approval of the Conditional Use Permit for a day care at 5 East Piankishaw with the five recommended conditions.*

Commissioner Gage inquired about the parking lot and entrances being a mix of asphalt, brick and gravel and asked for confirmation that those met the parking requirements. Planner Gotfredson stated that the street and alley approaches are both brick and that the portion of parking that was gravel was not needed for required parking at this time.

*Commissioner Smith seconded the motion. All Commissioners voted in favor.*

Planner Gotfredson explained that the recommendation would be forwarded to the City Council on August 24<sup>th</sup> at 6pm for their consideration.

**Item 4: Consideration and vote on a sign deviation at 302 Hedge Lane, Excel Lighting & Sign, applicant.**

Planner Gotfredson gave a brief overview of the request for the sign deviation and explained that the reason for the deviation is the applicant's desire to exceed the total number of signs permitted on the lot. He reminded the Commissioners that not all criteria had to be met to approve or deny the application.

Planner Gotfredson's findings are that the application is consistent with Section 21.245 of the LDO, that the additional sign will not create unreasonable clutter and the additional sign is not a hazard to safety and will not present an unreasonable negative impact to neighboring properties.

Mr. Gotfredson recommends that a sign deviation be granted at 302 Hedge Lane for 4 signs on the lot.

Commissioner Gage asked for clarification on exact location of the sign. Planner Gotfredson explained that he had marked it on the site plan so it would be easier to locate, but a visual description would be near where the current construction sign is located. He then explained the layout of the site plan in respect to the landmarks at the intersection.

Commissioner Bonner inquired about the LED sign and if it met current guidelines. Planner Gotfredson explained that it will meet the new LED sign regulations recently adopted.

Commissioner Gage and Cowman both stated they remembered previous discussions about monument signs in entrance area. Planner Gotfredson explained that he was not aware of any requirements in the LDO city entrance standards stating only monument signs were allowed. He stated that the size of the sign is restricted because it is a pole sign, a monument sign could be taller.

Commissioner Cowman wanted verification that the proposed sign was the first version shown on the provided material, Planner Gotfredson verified that it was. Commissioner Cowman inquired if the sign would sit on the hill and Mr. Gotfredson stated it would. Commissioner Bonner asked about materials and Planner Gotfredson explained it would be metal.

Commissioners had additional discussion about height requirements and if the proposed sign met the requirements and about other signs in the entrance area of Baptiste Drive. Planner Gotfredson explained that if the applicant had proposed a monument sign, it could be taller and

have more sign area than the pole sign as presented. Commissioner Bonner stated that he felt it sits back on the hill enough that it will not clutter the street.

*Commissioners Cowman and McLean made a motion to approve the sign deviation at 302 Hedge Lane. All Commissioners voted in favor.*

**Item 5: City Planner Report and Items from Commissioners.**

Planner Gotfredson updated Commissioners that the Conditional Use Permit for the bed and breakfast in the growth area had been approved by the City Council on July 27, 2010. He also told Commissioners that the City Council had approved the 2011 budget with no increase in the mill levy and no additional cuts in staff.

Commissioner Cowman inquired if there were any applications to review in September and Planner Gotfredson stated that he had not received any at this time. He also advised the Commissioners that the City had made the first payment to an applicant for the house incentive program.

**Item 6: Adjournment.**

*Commissioners Cowman and Bonner made a motion to adjourn the meeting. All Commissioners voted in favor.*

Meeting was adjourned at 5:25 pm.