PLANNING COMMISSION MINUTES
August 27, 2015

1. CALL TO ORDER & ROLL CALL

Chairman Fred Britain called the August 27th, 2015, Planning Commission to order at 6:30pm.

MEMBERS PRESENT:
Fred Britain
Dan Bullock
Scott Leason
David Lewis
Brad Long
Kyle McLaren
Samuel McVay
Allen Potter
Gerald Watson

STAFF PRESENT:
Jay Shivers
Scott Rickard

OTHERS PRESENT:
Toby Stewart
Kimberly Stewart
David Chastain
Rick Blue
Keith McCluskey
John Grange
Ed Gard
Neil Buckman
Robert Guso
Chris Smith
Ali Halabi

2. APPROVAL OF MINUTES

Commissioner Long made a motion to approve the minutes for the April 23rd, 2015, Planning Commission meeting, seconded by Commissioner Leason. The motion passed unanimously (9-0).

3. NEW BUSINESS

ITEM NO. 1 – CASE NO. 15-004-REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO REZONE 722 N. ATCHISON STREET FROM

R-1 LOW DENSITY RESIDENTIAL DISTRICT TO C-1 GENERAL BUSINESS DISTRICT.

A) PRESENTATION OF REQUEST

Jay Shivers made a brief presentation on the zone change request.

B) PUBLIC HEARING

The public hearing was opened. There being no one to speak, the public hearing was closed.

C) DISCUSSION BY PLANNING COMMISSIONERS

Commissioner Watson asked if the lot to the south of the subject property is zoned C-1. Mr. Shivers replied that it is C-1 and the goal of the rezone is to combine the two lots into a single buildable lot. Mr. Shivers also noted that there is an alley that will need to be vacated prior to combining the lots.

D) MOTION

Commissioner Leason moved to recommend approval of Case No. 15-004-REZ, an application by John Grange, to rezone 722 N. Atchison Street, from R-1 Low Density Residential District to C-1 General Business District, for reason stated in the staff recommendation and heard at the public hearing. Commissioner Watson seconded the motion. The Commission voted by voice vote to unanimously approve the motion.

Prior to Item No. 2, Chairman Britain and Commissioner Watson stated that they had a conflict of interest and stepped out of the meeting.

ITEM NO. 2 – CASE NO. 15-005-REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO REZONE 109 N. SUMMIT STREET FROM R-1 LOW DENSITY RESIDENTIAL DISTRICT TO C-1 GENERAL BUSINESS DISTRICT.

A) PRESENTATION OF REQUEST

Mr. Shivers made a brief presentation of the request.

B) PUBLIC HEARING

The public hearing was opened. Keith McCluskey, residing at 124 N. Summit, stated that he was concerned about the adjacent property owner losing property value if the rezoning is approved.

Ed Gard, representing of Grace Lutheran Church at 1124 W. Central Avenue, asked if there were any uses that were permitted by zoning that would not be permitted due to proximity to a church. Mr. Shivers stated that he had spoken with representatives from the church on this topic. Mr.

Shivers stated that adult entertainment is allowed in the zoning district but cannot take place within 1,000 feet of a religious institution. Alcohol sales cannot occur within 200 feet of a church. Mr. Gard stated that other uses are allowed by Special Use Permit. Mr. Gard asked staff if there was an application for a Special Use Permit if it would also go to a public hearing. Mr. Shivers stated that it is the same process as a rezoning; a notification would be published in the newspaper and property owners within 200 feet of the subject property would receive a notice in the mail.

Ali Halabi, residing at 119 N. Summit, stated that he was concerned about increased traffic at Central and Summit and said that something different than what is approved is always developed. Mr. Halabi said that today it will be a credit union and next month something else. Mr. Halabi suggested that White Eagle Credit Union look at the QuikTrip property.

Toby Stewart, residing at 1022 W. Central Avenue, spoke in opposition to the request. Mr. Stewart stated that he is concerned that if the bank fails anything could be developed on the property. Mr. Stewart said that he concerned about increased traffic at the intersection and about parking on the street. He said he is concerned about having to sell the property some day and that a commercial property across the street will make it more difficult.

Neil Buckman, also representing Grace Lutheran Church, asked if this property is rezoned to commercial and the bank does not build on the property, can it be rezoned back to residential? Mr. Shivers stated that due to the transitional location of the property near a generally commercial corridor and residential neighborhood, a case could be made for returning it to residential use. Mr. Buckman stated that some of their concerns, such as stormwater runoff, is already regulated by existing city ordinances. Mr. Buckman stated that he is concerned about the uses allowed in C-1 zoning. Mr. Shivers stated that the city also has a transitional buffer requirement that will require the bank to create a visual barrier, such as an opaque fence, a tree barrier, or landscaped berm.

C) DISCUSSION BY PLANNING COMMISSIONERS

Commissioner Bullock asked Mr. Shivers to restate the buffer requirements and the use restriction next to the church. Mr. Shivers reviewed the buffer requirements and stated that adult uses and onsite alcohol consumption would not be allowed on the property.

Commissioner Long asked about the design for the traffic flow. Scott Rickard stated that staff has not received a site plan.

David Stewart, representing Gravity Works Architecture, stated that there are many ordinances in place to protect the neighborhood. Mr. Stewart stated that Summit is considered a Collector street; it has less stops and is designed to accommodate a higher traffic flow than surrounding neighborhood streets. Mr. Stewart also stated that the vacant lot at Central and Summit is already zoned C-1 and is irrelevant to the discussion except that it is similar to the first case presented in that the buyer is trying to create a larger buildable lot. A larger lot will also accommodate parking and will not require the bank to crowd the property. Mr. Stewart said that rezoning the subject property only extends the existing commercial zoning about 75 feet to the north.

Commissioner Potter asked if parking is allowed on both sides of Summit. Mr. Rickard replied that parking is allowed on both sides of the street. Commissioner Potter asked about the transitional buffer requirements. Mr. Shivers replied that the developer is required to construct a fence, tree screen, or landscaped berm. Commissioner Long asked if the barrier must be completed before the bank could open for business. Mr. Shivers replied that is a site plan requirement and that it must be complete when the city makes the final inspection on the property prior to the bank starting operations.

Commissioner Bullock asked if traffic falls under the Commission's purview. Mr. Shivers stated that the Commission primarily makes land use decisions.

Commissioner Potter asked where the ingress/egress openings will be located. Mr. Stewart responded that they hope to have one opening on Summit and one opening on Central. However, access to Central is regulated by KDOT and the applicant does not know if it will be approved. Mr. Stewart also stated that that property is not the property in question. Mr. Halabi stated that KDOT has denied access to Central Avenue in the past. Mr. Rickard told the Commission that KDOT requires a site plan and has a set of requirements for allowing access to Central Avenue.

Commissioner Bullock noted that the corner property is not the property being discussed. Commissioner Potter agreed and noted that the corner lot has been vacant for a long period of time and it is probably too small to be used for commercial. Expanding that commercial zoning will allow development.

Commissioner Lewis asked about the dimensions of the subject property. Mr. Stewart responded that it is 70 feet wide and 150 feet in depth.

Commissioner Long also noted that the discussion is not about the corner lot but about the property to the north that has had a vacant home on it for some time.

D) MOTION

Commissioner Leason moved to recommend approval of Case No. 15-005-REZ, an application by Gravity Works Architecture, to rezone 109 N. Summit Street, from R-1 Low Density Residential District to C-1 General Business District, for reasons stated in the staff recommendation and heard at this public hearing. The motion was seconded by Commissioner Lewis.

Roll Call Vote

Fred Britain	Abstained
Dan Bullock	Y
Scott Leason	Y
David Lewis	Y
Brad Long	Y
Kyle McLaren	Y
Samuel McVay	Y
Allen Potter	Y
Gerald Watson	Abstained

Motion passed 7-0

Chairman Britain and Commissioner Watson returned to the Commission meeting.

4. OLD BUSINESS

4. STAFF ITEMS

Mr. Shivers announced that there would be a September Planning Commission meeting. He also announced there would be an election for Chairman and Vice Chairman at the next meeting.

5. ADJOURNMENT

The meeting was adjourned at 7:01pm.