

PLANNING COMMISSION MINUTES
October 27, 2016
6:30 p.m.

1. CALL TO ORDER & ROLL CALL

Commissioner Stewart called the meeting to order at 6:30pm.

Members Present:

Dan Bullock
Scott Leason
David Lewis
Kyle McLaren
Samuel McVay
David Stewart
Gerald Watson

Staff Present:

Jay Shivers

Others Present:

Roger Cutsinger
Kevin Burk
Roxanne Limon

2. APPROVAL OF MINUTES

Commissioner Leason moved to approve the August 25th, 2016, minutes. Commissioner Watson seconded the motion. The motion passed (7-0).

3. NEW BUSINESS

ITEM NO. 1 – CASE NO. 16-005-SUP: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST FOR A SPECIAL USE PERMIT AT 123 E. PINE AVENUE TO ALLOW URBAN/LOFT APARTMENTS.

A) PRESENTATION OF REQUEST

Jay Shivers provided a brief overview of the request. He explained that the property is zoned C-1 and the applicant is requesting a Special Use Permit to allow residential uses, in addition to commercial, in the existing building on the property. The surrounding area is zoned C-2 and already allows a mix of commercial and residential uses.

Kevin Burk said he was planning to add two residential units to the building and said the property has plenty of paved parking space to the south of the building.

Commissioner Stewart asked if there would also be commercial uses within the building. Mr. Burk replied that they want to leave that option so they can add an office in the future.

Commissioner Leason said that the property was rezoned a few years ago to allow car sales. He asked Mr. Burk if he still plans to do that. Mr. Burk replied it is on the back burner and they may decide to do that in the future.

Commissioner Bullock asked if it was zoned for car sales. Mr. Shivers replied that it is allowed.

Commissioner Lewis asked if the Special Use Permit would have an effect on the car sales in the future. Mr. Shivers replied that as long as they have the required parking for the building, it should not be a problem.

B) PUBLIC HEARING

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

C) DISCUSSION BY PLANNING COMMISSIONERS

Commissioner Watson asked if the applicant can operate car sales out of the same building. Commissioner Bullock replied that that was possible but wasn't on the table at this time. Commissioner Stewart said that car sales are allowed by right in that zoning district. Mr. Shivers said that if Mr. Burk was not interested in car sales in the future, rezoning to C-2 would have been the best option.

Commissioner Bullock asked if the existing building would be remodeled or if there would be a new building. Mr. Burk replied that they would remodel the existing building.

D) MOTION

Commissioner Leason moved to recommend approval of Case No. 16-005-SUP, a request by Kevin Burk, for a Special Use Permit to allow urban/loft apartments on the property located at 123 E. Pine Avenue, for the reasons set forth in the staff recommendation and hear at this public hearing. The motioned was seconded by Commissioner McLaren.

Roll Call Vote

Dan Bullock	Yes
Brad Long	Absent
Scott Leason	Yes
David Lewis	Yes
Kyle McLaren	Yes
Samuel McVay	Yes
David Stewart	Yes
Gerald Watson	Yes

The motion passed 7-0.

ITEM NO. 2 – CASE NO. 16-001-PLAT: CONSIDERATION OF THE PRELIMINARY PLAT OF PATTEN ADDITION

A) PRESENTATION OF REQUEST

Mr. Shivers said Roger Cutsinger of Savoy Company will present that plat. Mr. Shivers said both preliminary and final plat of Patten Addition can be reviewed at the same time. He said the plats change some lot lines and create some new easements; there is a small amount of right-of-way being dedicated and no new roads will be created by the plat. Mr. Shivers said most of this land has been platted in the past but is now being replatted for new development.

Commissioner Stewart asked Mr. Shivers to explain why both plats are being reviewed at the same meeting. Mr. Shivers stated that in large subdivisions, the preliminary plat can help developers determine if a future plan is feasible and gets preliminary approval from the Planning Commission without having to officially record the new lot lines. From there, developers can decide what to develop first and final plat those phases as they go along. Sometimes funding and contracts can depend on preliminary plat approval. As for the Patten Addition lots, staff talked Mr. Cutsinger and determined that there will be no changes or phased subdividing and therefore decided to review both. Mr. Shivers explained that if the Planning Commission has no changes, they can approve both plats. If there are changes, those can be made and the plats returned at the next meeting.

Commissioner Stewart asked if the plats met all the ordinance requirements and if staff was comfortable with approving the plats. Mr. Shivers said that he has worked with Scott Rickard and Mr. Cutsinger for over a month to make changes and ensure everything was correct before coming before the Planning Commission.

Mr. Cutsinger reviewed plat and talked about the new easements and lots.

B) DISCUSSION BY PLANNING COMMISSIONERS

Commissioner Stewart asked about the sanitary sewer easement. Mr. Cutsinger said that it has several manholes to the east. Mr. Shivers said that the easement has eight feet on both sides of the line for a total of 16 feet.

Commissioner McLaren asked if the property to the east is platted. Mr. Cutsinger replied that it was platted. Mr. Shivers said it was platted in the early 1900s. Mr. Cutsinger said part of Geuda Street is covered in that plat. Commissioner McLaren asked if Geuda Street is a dead end. Mr. Cutsinger said it is not.

Commissioner Stewart asked if Geuda Street is developed up to Lot 4. Mr. Cutsinger said that is correct.

Commissioner Watson asked if Geuda Street beyond the improved portion is the City's. Mr. Cutsinger said it's a platted street.

Commissioner Stewart said one of the requirements for a preliminary plat is to have a preliminary drainage plan and asked Mr. Cutsinger to talk about that. Mr. Cutsinger said there is no drainage plan because we do not know what will be developed on the property. He said he is aware one will be needed later when we know what will be built.

Commissioner Watson asked what the property is zoned. Mr. Shivers replied that all the lots are I-1.

C) MOTION

Commissioner Bullock moved to approve the preliminary and final plat of Patten Addition as presented. Commissioner Leason seconded the motion. Commissioner Stewart asked if there was any concern about approving both plats without introducing the second plat item. Mr. Shivers said he didn't see a problem since they are essentially the same plat and the items discussed were on both documents.

Roll Call Vote

Dan Bullock	Yes
Brad Long	Absent
Scott Leason	Yes
David Lewis	Yes
Kyle McLaren	Yes
Samuel McVay	Yes
David Stewart	Yes
Gerald Watson	Yes

ITEM NO. 3 – CASE NO. 16-001-PLAT: CONSIDERATION OF THE FINAL PLAT OF PATTEN ADDITION

A) PRESENTATION OF REQUEST

B) DISCUSSION BY PLANNING COMMISSIONERS

C) MOTION

4. OLD BUSINESS

5. STAFF ITEMS

Mr. Shivers notified the Commission that Fred Britain has moved outside the City and is no longer the Chairman. Vice Chairman Brad Long was absent so they would discuss the Chairman position at the next meeting. Mr. Shivers also said there would not be a November meeting but he is expecting an application for a December meeting. If staff receives the application, the meeting will take place on December 15.

Roxanne Limon, residing at 1340 S. Emporia, told the Commission that she was frustrated about a new house adjoining her property to the north. She said that it's too close to her property line. She was told there was a variance but did not receive a notification about a meeting. Mr. Shivers

said there was not a variance but the zoning in the area allows a small side setback of seven feet. The contractor building the new house chose to build the house off-center so that he could add on a third garage bay in the future. Mr. Shivers explained that once a building meets setback requirements, staff cannot dictate exactly where a new structure can go. In this case, the new house is close to her property line but meets the setback requirements.

6. ADJOURNMENT

The meeting was adjourned at 7:10pm.