

**PLANNING COMMISSION MINUTES**  
**February 23, 2017**  
**6:30 p.m.**

**1. CALL TO ORDER & ROLL CALL**

The meeting was called to order at 6:30pm.

Members Present

Dan Bullock  
Scott Leason  
David Lewis  
Brad Long  
Kyle McLaren  
David Stewart

Staff Present

Jay Shivers

Others Present

Mary Ann Smith  
Pete Hampton  
George Miehle  
Beverly Pettus

**2. APPROVAL OF MINUTES**

Commissioner Leason moved to approve the minutes from the January 26<sup>th</sup>, 2017, meeting, seconded by Commissioner Lewis. The motion was approved by unanimous voice vote (6-0).

**3. NEW BUSINESS**

**ITEM NO. 1 – CASE NO. 17-001-SUP: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST FOR A SPECIAL USE PERMIT AT 2702 N. COUNTRY CLUB ROAD TO ALLOW A NEW EDUCATIONAL INSTITUTION.**

**A) PRESENTATION OF REQUEST**

Commissioner Stewart stated that he is representing that applicant will step down as a Planning Commissioner for the case. Jay Shivers reviewed the staff memo and explained that the application is for a new elementary school. Mr. Shivers said the proposed school is compatible with the projected residential development in the area.

David Stewart of Gravity Works Architecture spoke next on behalf of USD490 and provided a general overview of the Grandview school site plan. He explained that the new school will

replace the current Grandview Elementary School. He said the new school is approximately 60,500 square feet in size.

#### B) PUBLIC HEARING

Chairman Long opened the public hearing. Beverly Pettus, residing at 830 E. 29<sup>th</sup> Street, said she heard that N. County Club Road could be closed while it is paved and is concerned that she'll be cut off. Mr. Stewart said that when the middle school was built, the road remained opened at all times during paving to allow access for residents along that road. Mr. Stewart also said was confident the road could be built one half at a time to allow for access to her home.

There being no one else to speak, Chairman Long closed the public hearing.

#### C) DISCUSSION BY PLANNING COMMISSIONERS

Commissioner McLaren asked how far north the paving will go. Mr. Stewart said the City was working with MKEC and he thought it would be through the intersection of Country Club and 29<sup>th</sup>.

Commission Bullock asked what contingency USD490 has if the SUP is not granted. Mr. Stewart replied that there is no contingency.

Chairman Long asked what the width of County Club Road will be. Mr. Stewart said that was up to the City. Mr. Shivers said he did not know what the final width would be.

Chairman Long said we needed to note Ms. Pettus' concern about being cut off during construction. Mr. Shivers said he would pass that along to Scott Rickard and it is highly unlikely that the residence would be cut off during construction.

Commissioner McLaren asked if the adjacent property owners would pay for the new street. Mr. Shivers said he is not aware of the process for the road funding; Mr. Shivers said he typically reviews infrastructure access and capacity when analyzing rezoning and SUP applications.

#### D) MOTION

Commissioner Leason moved to recommend approval of Case No. 17-001-SUP, a request by USD490, for a Special Use Permit to allow an educational institution on the property located at 2702 N. Country Club Road, for the reasons set forth in the staff recommendation and heard at this public hearing, seconded by Chairman Long. Chairman Long asked for a roll call vote.

##### Roll Call Vote

|               |   |           |
|---------------|---|-----------|
| Dan Bullock   | Y |           |
| Scott Leason  | Y |           |
| David Lewis   | Y |           |
| Brad Long     | Y |           |
| Kyle McLaren  | Y |           |
| David Stewart |   | Abstained |

The motion passed (5-0).

**ITEM NO. 2 – CASE NO. 17-002-SUP: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST FOR A SPECIAL USE PERMIT AT 809 S. AUDREY DRIVE TO ALLOW A BEAUTY SHOP.**

**A) PRESENTATION OF REQUEST**

Mr. Shivers reviewed the staff memo. He noted that beauty shops are not allowed to be the primary use in a residential area but can be a secondary use as long as the house is occupied.

**B) PUBLIC HEARING**

Chairman Long opened the public hearing. Mary Ann Smith, residing at 908 S. Audrey, stated that she is available for questions. Commissioner Lewis asked if she would make any changes to the house. Mr. Smith said she would remove the garage door and enclose the garage for her shop.

Chairman Long asked if she would get a building permit for enclosing the garage. Ms. Smith said she is not sure about all the steps that need to be taken. Mr. Shivers said they would work with her to get the appropriate permits and approvals if the SUP is approved.

Chairman Long asked if Mrs. Smith will put up a sign. Mrs. Smith said she would like to put a decal in a window. Mr. Shivers said that would work well; sign regulations are very restrictive in residential areas.

Commissioner Stewart asked if there would be any screening requirements for adjacent properties. Mr. Shivers replied that there is not a screening requirement.

Chairman Long asked if notifications were sent to the neighbors. Mr. Shivers replied that notifications were sent to all properties within 200 feet of 809 S. Audrey Drive. Mr. Shivers said he sent a lot of notifications in this neighborhood and is surprised that no one showed up for the hearing. Mrs. Smith said she talked with many of her neighbors about the beauty shop.

Commissioner Leason asked why the applicant wants to use her home rather than renting another commercial space. Mrs. Smith said that her home is paid off and it is a better financial decision for her. Mr. Shivers noted that we have quite a few home-based businesses in town that most are not aware of due to the fact that they are low-impact and do not cause excessive noise, traffic, or light that commercial properties typically do. He said the zoning ordinance does a good job of allowing these activities in neighborhoods as long as the impacts are minimal.

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

**C) DISCUSSION BY PLANNING COMMISSIONERS**

Commissioner Bullock said he was concerned with traffic volume if the shop were to add additional staff in the future. He asked if it was reasonable to place a condition that limits staff. Mr. Shivers replied that the Commission can add conditions as long as it is tied to a potential impact, such as an increase in traffic.

Commissioner Bullock asked if restrictions were placed on past Beauty Shop SUPs. Mr. Shivers said the last permit was issued in 2010 and there were no conditions on the permit.

#### D) MOTION

Commissioner Bullock moved to recommend approval of Case No. 17-002-SUP, a request by Mary Ann Smith, for a Special Use Permit to allow a beauty shop on the property located 809 S. Audrey Drive, for the reasons set forth in the staff recommendation and heard at this public hearing, seconded by Commissioner Lewis. The motion was approved by unanimous voice vote (6-0).

### **ITEM NO. 3 – CASE NO. 17-002-REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO REZONE 1000 E. COUNTRY CLUB LANE FROM O-I OFFICE INSTITUTIONAL DISTRICT TO R-1 LOW DENSITY RESIDENTIAL DISTRICT.**

#### A) PRESENTATION OF REQUEST

Mr. Shivers provided an overview of the staff memo.

#### B) PUBLIC HEARING

Chairman Long opened the public hearing. George Miehle, the applicant, said his initial plan when he purchased the property was to open a nonprofit educational facility. He said his business partner backed out and he would like to use the building as a residence. He said he also does some internet book sales.

Chairman Long asked if the building is livable. Mr. Miehle said the previous owner did some remodeling and that he has been doing maintenance on the building.

Commissioner Bullock asked if the basement floods or has mold issues. Mr. Miehle said there was a problem with a gutter not being long enough and water was coming into the back stairwell. He said water would come in during a heavy rain. Mr. Miehle said that the gutter has been extended and that no more water is coming into the building. Mr. Miehle said there was some mildew in the basement from the water and that he has replaced two broken ventilation fans to circulate air.

Chairman Long asked how long the building has been vacant. Mr. Miehle said that building was never really vacant and that the church was only using it about an hour a week. He said he purchased the building about two and a half years ago. Commissioner Bullock said the building used to be used as a food pantry to feed the homeless. Mr. Miehle said that has moved to another church. There being no one else to speak, the public hearing was closed.

#### C) DISCUSSION BY PLANNING COMMISSIONERS

#### D) MOTION

Commissioner Stewart moved to recommend approval of Case No. 17-002-REZ, an application by George Miehle to rezone 1000 E. Country Club Lane, from O-I Office Institutional District to R-1 Low Density Residential District, for reasons stated in the staff recommendation and heard at this public hearing, seconded by Commissioner Leason. The motion was approved by unanimous voice vote (6-0).

**4. OLD BUSINESS**

**5. STAFF ITEMS**

Mr. Shivers informed the Planning Commission that there would be another meeting on March 23<sup>rd</sup> to review the Capital Improvement Plan.

**6. ADJOURNMENT**

The meeting was adjourned at 7:20pm.