

MINUTES

1. The meeting was called to order by Chairman Mike Kroeger.

2. Roll Call:	Crumbaker	Present	Kroeger	Present
	Hemphill	Present	Krudwig	Absent
	Honomichl	Absent	Lane	Absent
	Winslow	Present		

3. General Business:

A. Approve Planning Commission Agenda.

Motion by Commissioner Winslow to approve the Agenda; second by Crumbaker.

All Commissioners approved by "ayes".

B. Approve minutes of the April 27, 2010 Planning Commission meeting.

Motion by Commissioner Crumbaker, to approve the Minutes; seconded by Winslow.

All Commissioners approved by "ayes".

C. Disclosure of conflicts of interest: N/A

D. Disclosure of outside communications regarding Commission business: N/A

4. Call to Public:

Members of the public who wish to address the Planning Commission regarding items not on the agenda may do so at this time. Any presentation is for information purposes only. No action will be taken. There is a four-minute time limit.

No one appeared.

5. Public Hearing:

A. Public hearing to consider amendment of existing Special Use Permit for the Silver Wheel Bar & Grill (This item was tabled in April at request of the applicant.)

Engineer Brungardt stated that the applicant is scheduled to appear and recommended deferring the discussion until later in the agenda.

Motion by Commissioner Hemphill; to move the public hearing until the last item on the agenda; seconded by Crumbaker. Motion withdrawn. Motion by Winslow to postpone public hearing Item 5 to later in the evening when the applicant arrives; seconded by Crumbaker.

All commissioners approved the motion by "ayes".

(This item was discussed following Item 7C even though the applicant was not present)

Planner Bohnsack and Engineer Brungardt reviewed the staff report for the Commission. Mr. Dobbels and Mr. Edwards are co-owners of the property. Originally they wanted to put a deck on the back of the building for outside seating area, but decided against that action due to the cost of site plan preparation. The property is zoned C-2 and as a private club, requires a SUP. The existing SUP under Ordinance 992 is automatically renewed each year unless a violation occurs. There is an existing apartment above the business that is not allowed by the SUP. The review and amendment of the SUP is requested for this reason. In addition, the owners are requesting some changes to the existing conditions of the permit.

Staff indicated that the owners are requesting to have live music in addition to being open on Sunday without the requirement of a temporary use permit. Discussion on potential future neighbor complaints and the Planning Commission not having a method of review. Commissioner Winslow suggested eliminating the automatic renewal so that the Planning Commission can monitor and review the affect of the requested changes.

Commissioner Crumbaker suggested allowing the changes but have a specific expiration date of 3-5 years with review by the Planning Commission.

Motion by Commissioner Hemphill to table the discussion until the applicant can be present; seconded by Commissioner Crumbaker.

Roll Call:	Crumbaker	Yes	Kroeger	Yes
	Hemphill	Yes	Krudwig	Absent
	Honomichl	Absent	Lane	Absent
	Winslow	Yes		

6. Old Business:

A. Discussion of Site Plan Review for nominal structures.

City Engineer Mike Brungardt reviewed the staff report and recommended reviewing project requests for nominal structures without a full-blown site plan. No regulations will be altered as it relates to the use. Commissioner Kroeger clarified that the project would still come before the Planning Commission, but rather modifying the deliverables.

City Engineer Mike Brungardt reviewed the instances where the physical improvements to a site in connection to an application were somewhat limited. Staff would prepare the maps which would decrease staff time and also to ensure accuracy. Commissioner Winslow wanted some assurance that an accessory structure was not constructed on a utility easement or the utility itself. Commissioner Crumbaker asked if it was appropriate if staff has questions regarding the project submittal to contact the Commission Chair. Commissioner Crumbaker stated that it should be known that it is the Planning Commission's discretion to deny an accelerated site plan if so warranted. Exhibit C shows the proposed language for the revised site plan requirements. This should be modified to note that the Planning Commission has the final word on whether to accept or reject a reduced site plan for lack of information. The commission felt that it is important to notify the applicant that the application could be tabled for any submittal with reduced information provided.

Consensus was to have staff revise the language for Exhibit C and bring back to the Planning Commission at June meeting.

B. Discussion of Year End Business—Commissioner Selection, Election of Officers, Review of By-Laws.

Planner Bohnsack noted that the Mayor declined to make appointments for the three expiring Planning Commissioner seats and the one vacant seat on the Board of Zoning Appeals. Ms. Lane has tendered her resignation from the Planning Commission. Ms. Bohnsack suggested that discussion on the By-Laws and Election of Officers be delayed until the June meeting. Any comments to the bylaws should be submitted to Planner Bohnsack before the next meeting.

Commissioner Kroger asked when the Comprehensive Plan was scheduled to be reviewed. Staff will add that as a discussion item to the next agenda.

The item was tabled until the June meeting.

7. New Business:

A. Consideration of sign placement in right-of-way.

Planner Bohnsack reviewed the staff report for the Planning Commissioner stating that a business owner is requesting that his new sign be placed in the right-of-way in a similar manner as others along the street. She further noted that the right-of-way for Lexington Avenue is extra wide in this location and that the sign would not interfere with sight distances along the street at either intersections or entrances.

Staff recommended approving the item with the condition that it not be placed over the top of existing water, communication or electric lines.

Motion by Commissioner Crumbaker to approve the request compliant with the terms and conditions of Article 7, Section 5 General Standards, Subsection H – Traffic Safety, for the placement of a sign by De Soto Eye Care located at 33321 Lexington Avenue, and so that the sign is not located to interfere with any water, communication or electric lines; seconded by Commissioner Winslow.

Roll Call:	Crumbaker	Yes	Kroeger	Yes
	Hemphill	Yes	Krudwig	Absent
	Honomichl	Absent	Lane	Absent
	Winslow	Yes		

B. Discussion of Edgerton Road Development (Johnson County).

Commissioner Crumbaker recused himself from the discussion due to a conflict of interest and left the room. Commissioner Crumbaker remained in the building so that a quorum was still achieved.

Planner Bohnsack referenced the staff memo concerning a proposed rezoning of property that is located in the county, but within the City's planning area. The property is located just north of K-10 Highway at the Edgerton Road exit. The County requested information from the City on their Plan for this area after their initial discussion with the owner. Bohnsack forwarded that information to them on April 9. The owner has since filed an application to rezone the property. Bohnsack is requesting that the Planning Commission discuss the issue and note any additional information or changes to the

information that should be forwarded to the Johnson County Zoning Board. She will plan on attending their meeting on this issue.

The rezoning application for property owned by Ron Vanlerberg is located in the Viewshed Overlay, which has mention of aesthetics in the Comprehensive Plan. It was mentioned in the City planning meetings for this area that the land north of K-10 Highway would be harder to develop due to slopes and rock. It is mostly designated in the County Comprehensive Plan for low and moderate density residential (rural residential). At this time, staff does not feel that there is a negative impact to the city at for this scale of development. As a courtesy, Johnson County has notified the City asking for feedback.

Commissioner Kroeger stated that the application does not meet the city's Comprehensive Plan. Furthermore, the city is intentionally building its infrastructure in that direction. Commissioner Hemphill stated that the property in question is both north and south of 91st Street – should 91st Street expand further west, this would be a problem. Commissioner Kroeger stated that the Planning Commission does not want to state policy to the Council, and asked that staff be directed by City Council to relay any concerns to Johnson County.

Staff will take this to the City Council expressing the Planning Commission's concerns. Commissioner Crumbaker returned to the meeting.

C. Discussion of Hunt Midwest SUP renewal by Johnson County.

Planner Bohnsack addressed the quarry renewal issue and noted that she would attend the Board of County Commissioners meeting if the Commissioners had any additional information for them to consider. Staff noted that the maintenance of 95th Street is a concern. Commissioner Hemphill wanted assurance that the length of time not be extended for more than 5 years.

(Item 5A discussed at this time)

8. Staff Advisory Reports:

A. Council comments/action on the TA for architectural projections into setbacks.

Planner Bohnsack noted that the Council approved the recommended text amendment.

B. 2009/2010 Community Development Recap. The recap was prepared by Planner Bohnsack as a reference tool for both new and present Commissioners and also noted that it includes a list of issues addressed by the Commission in the past year. It should be recognized that the Commission completed several worthy projects in 2009/2010.

C. Other Discussion:

1. Garage Sales. Staff would like the Commission to consider removing garage sales from the list of uses requiring a Temporary Use Permit (approved by staff). The Commissioners stated that some owners have perpetual sales, and perhaps that is the reason the requirement was implemented.
2. Blacktop Paving was issued a 10-year special use permit, and at the 5-year interval staff is to review the permit to ensure conditions were met. The 5-year

interval is in August, 2010. Staff is required to provide an update to the Planning Commission.

9. Calendar:

- A. June 3, 2010 City Council tentative Planning Agenda items include:
 - Discussion of County rezoning application on Gardner Road
- B. June 17, 2010 City Council tentative Planning Agenda items include:
 - None
- C. June 22, 2010 Planning Commission tentative agenda items include:
 - Continue discussion of SPR for nominal structures
 - Final Development Plan and Final Plat for Phase 1 of Carriage Hills Garage Condos.
 - Consider SUP for Silver Wheel Private Club
 - Follow-up discussion of Edgerton Rd development & Hunt-Midwest SUP renewal
- D. Upcoming Business:
 - Sunflower Tour and meeting with Johnson County Planning Commission.
Planner Bohnsack noted that Dean Palos, Director of Community Development for Johnson County has suggested a 'joint meeting' and tour of the Sunflower Redevelopment site at the end of the summer.

Motion by Commissioner Hemphill to adjourn the meeting at 8:52 p.m.; second by Commissioner Winslow.

All Commissioners approved by "ayes".

Motion carried.

Submitted by:

Sara Ritter, Secretary for the Meeting