

MINUTES

1. The meeting was called to order by Chairman Kroeger with Roll Call.

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

3. General Business:

Planner Bohnsack changed the wording in the Agenda on Item 7. A. to “Carriage Houses” rather than “Carriage Hills”.

A. Approve Planning Commission Agenda.

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

All Commissioners approved by “ayes”.

Motion carried.

B. Approve minutes of the May 25, 2010 Planning Commission meeting.

Motion by Commissioner Hemphill to approve the Minutes; second by Winslow.

Commissioners approved by “ayes” with Commissioners Krudwig and Honomichl abstaining.

Motion carried.

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 Text Amendment for Site Plan Review regulations.

Engineer Brungardt provided some background information that the Commission has discussed in prior meetings. Chairman Kroeger opened the Public Hearing. No one appeared and the Public Hearing was closed.

Commissioner Hemphill said he felt the Commissioners were in agreement with the changes. Commissioner Krudwig and Engineer Brungardt discussed the applicants for special use permits and the site plans. Commissioner Krudwig asked about the five items that are listed. A discussion continued between Chairman Kroeger and Commissioner Krudwig. Commissioner Krudwig said he wanted to know how these five items came under the special use permit. Commissioners and Engineer Brungardt discussed Section 4, bullet "Some applicants for special use permit, as listed below", and the five types of applications.

Motion by Commissioner Winslow to recommend approval to the City Council for the revisions to Article 11 site plan review as written in the staff report; second by Krudwig.

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

Motion carried.

6. Old Business:

A. Consider amendment of existing Special Use Permit for the Silver Wheel Bar & Grill.

Commissioners stated that they wanted to clarify the three changes requested by Mr. Edwards. Discussion took place by Planner Bohnsack regarding the Commissioners discussing the time frame for the new Special Use Permit. Of the 12 findings, 8 are positive, 1 is negative, and 3 are neutral. Commissioner Hemphill said he thinks five years might be too long to grant this particular Special Use Permit, but one year might be too short. He said he wants to make sure the time frame is right. Commissioner Hemphill said the building and the area are neat and clean and presentable. Discussion by Commissioners that the SUP used to be on an annual basis and with the proposed changes maybe this SUP should be reviewed annually for the next two years and then grant the five-year SUP. Planner Bohnsack stated the applicant must follow the conditions of the SUP or the SUP can be revoked upon a hearing. Planner Bohnsack said she has only had two phone calls and no one showed up for the public hearing. Discussion ensued between Staff and Commissioners regarding the requested change to have live music at the location.

Commissioner Krudwig asked about Item g. regarding Environmental Impacts. He said he viewed this differently than staff in that he feels that it could be a "neutral" finding. Discussion ensued regarding how "neutral" is defined. Commissioner Krudwig asked about the Conditions for the Sunday business hours. He also discussed Item C. 7 regarding increasing the density of greenery along the joint property line. Planner Bohnsack said she followed the regulations in Article 11 from C-2 to R-1. Discussion ensued regarding the number of plant units to fill the gap between the two properties. Engineer Brungardt and Commissioners discussed the screening and the sound decibels. Commissioner Krudwig asked if the plant units need to be specific or be taken out. Staff and Commissioners discussed the change in use to the site as it would cause a review of the site and the accommodations or mitigation of concerns for the site since the live music could impact the buffering at the east.

Commissioner Honomichl discussed the Site Plan review application requirements. Commissioner Krudwig said he feels Item C.7 on page 12 of the staff report should be

changed to buffering. Commissioner Honomichl suggested a one year Special Use Permit to review how the changes have affected the property and adjoining properties.

Mr. Phil Edwards, Manager, 8385 Penner, the applicant, stated he appreciates the opportunity to address the Commission on what they would like him to do. Mr. Edwards stated he is not going to proceed with the outside deck. Mr. Edwards said they have been offering a breakfast on Saturday mornings and did not realize that required a Special Use Permit. They are considering offering a breakfast from 9 a.m. to noon on Sunday, and then stay open until midnight on Sunday. They will be closed on Mondays.

Mr. Edwards said the second request is for the security person for the business that resides on the property in an upstairs apartment. Mr. Edwards said someone has lived in this building since 1934 and no one knew it was a violation.

Mr. Edwards said he wasn't aware that they needed to request a Temporary Use Permit for live music inside the building. He is requesting live music be allowed on the inside of the business. He understands he will have to apply for a Temporary Use Permit for any music outside the building. Chairman Kroeger commented on the current Special Use Permit terms.

Mr. Edwards said having to renew the SUP on a periodic basis is a good idea in his opinion as it keeps the applicant fully knowledgeable of what needs to be considered and it keeps the public apprised of what is going on in the business. He said he does have an issue with the noise buffering if there aren't complaints being made. The gap in the tree line is at the back of the parking lot, past the back of the building, and it faces the garden area of Mrs. Nalley's property. He said if there was a noise problem, it could be addressed at the time.

Commissioner Krudwig commented on the fire restriction code between residential and commercial use if the apartment is going to be used as a residence. If it is a security office and not classified as a residential apartment or use, then there are different requirements to be met. Residential use requirements are more stringent.

Commissioner Krudwig asked Planner Bohnsack about the address for the building. She and Mr. Edwards said the address is 8385 Penner. Planner Bohnsack stated that there were originally two structures and two tracts and when they were combined, Johnson County AIMS has retained the 8395 Penner address.

Commissioner Hemphill and Planner Bohnsack discussed C.9 regarding the review of the Special Use Permit.

Chairman Kroeger said he didn't know what the live music impact would have on the surrounding neighborhood. He also believes there should be "neutral" on some of the findings. The C. 4 statement should also include the security personnel.

Motion by Commissioner Honomichl that having examined the information provided by Staff and the applicant, I move that the application for a Special Use Permit for a Private Club use located at 8385 Penner Avenue be approved with the proposed special use permit conditions listed on page 12 as presented, but with the following changes: Item 3 A. change Monday to Sunday; Strike 3 c.; Item 4, change it to read "any use of the business portion of the premises other than for cleaning, maintenance, and/or security is prohibited outside the authorized business hours without the express consent of the Governing Body"; replace Item 7 with the following provision: "Existing buffering is deemed to be adequate for the proposed use at this time; buffering adequacy shall be reviewed on a yearly basis by staff in cooperation with the owner to

determine if additional buffering is needed”; Revise Item 9 to read “The Special Use Permit herein granted shall be for a period of one year”; second by Winslow.

Discussion by Commissioner Kroeger to amend Item 5 to add “provided that the structure meets minimum code requirements for the intended use.”

Motion is amended by Commissioner Honomichl to include the above stated amendment; second by Winslow.

Discussion ensued between Commissioner Hemphill and Commissioners regarding the minimum code requirements.

Roll Call:	Crumbaker	Absent	Kroeger	Yes
	Hemphill	No	Krudwig	Yes
	Honomichl	Yes	Vacant	
	Winslow	Yes		

Motion carried.

B. Discussion of Year End Business—Commissioner Selection, Election of Officers, Review of By-Laws. (**Tabled until July**)

7. New Business:

A. Consideration of Final Development Plan for Phase 1 of Carriage Houses of Johnson County, a garage condominium development. Planner Bohnsack discussed the preliminary plan for this property. The plan, as it was previously approved, was shown on the display boards for the Commissioners’ perusal. Planner Bohnsack discussed the preliminary Planned Development process. Staff said there are still some concerns on the submittal of the Final Development Plan. Planner Bohnsack discussed the Lot lines being the same as the proposed building outline. For the condominium plat, the building will be designated as a lot with the individual garage divisions designated as units. Easements are required on all perimeter edges of the entire tract. Those easements needed to cover extension of utilities and rights-of-way will be filed as a separate document with the Plat.

Chairman Kroeger asked what is different in the Preliminary that was approved and what is now being proposed. He wants to know what is insufficient and what is different. Engineer Brungardt said there is new information that Staff reviewed, and the rights-of-way and easements are what were previously approved.

Engineer Brungardt stated the main points to discuss with the Planning Commission included the phasing, the portable toilets, the sidewalk along 83rd Street, and the water line.

Planner Bohnsack discussed the Recommendations on page 9 of 9 of the Staff report. The Site does not have water service at this time and applicants are requesting that the water line be completed prior to occupancy permits being granted as opposed to prior to issuing a building permit. Discussion ensued between Commissioners and Engineer Brungardt regarding the water and sanitary sewers.

Commissioner Hemphill asked what is the “occupancy” defined. Planner Bohnsack said this is an occupancy certificate that is issued by the Building Official stating the

project is completed. Engineer Brungardt said this leads into the discussion of phasing and utilities. At the time of the preliminary approval, the Council determined that the phasing could be driven by economic and market conditions, and that the applicant could propose any phasing he wished.

Commissioner Hemphill asked Engineer Brungardt if it is his call to decide whether or not sanitary facilities are required. Brungardt noted that the City's Building Official has reviewed the Building Code and it does not rule out portable toilets. A discussion ensued regarding the fire department having an access road with a turnaround area inside the fenced property.

Commissioner Honomichl and Engineer Brungardt discussed access easements and the remainder of the property not being platted. The Commissioners discussed the landscaping plan with Staff. Commissioner Winslow said there are approximately 50-60 shrubs listed on the table for the approved preliminary development plan. But on the planting plan that was submitted for Phase 1 there are only 4. He would like to see more shrubs on this plan, rather than lirope and daylilies, which are flowers. The applicant said since the PD was approved, they have trimmed the existing trees and they are desirable for the site. They have to consider the upkeep and the landscaping and they want to have plantings that will exist in the rock and still be colorful and ever-changing along with the existing trees. He said the trees were not originally shown in the PD. Commissioner Winslow discussed the shrubbery with the applicant. He asked about the wrought iron fence end along the south property line instead of following the entire property line. A discussion ensued on whether the wrought iron fencing is consistent with the preliminary plan. Staff reviewed the preliminary development plan with Commissioners and discussed the discrepancies. Commissioners asked Engineer Brungardt about impervious surface percentages. Brungardt clarified that there are no requirements for maximum impervious surface area other than what had already been approved as part of the Preliminary Development Plan in 2009.

Commissioner Honomichl discussed the "stand alone" piece of property and the fact that it is tied to the undeveloped piece of property. He asked Commissioners if we are creating a non-conforming condition. Engineer Brungardt commented on the fire separations. Commissioner Winslow asked what the zoning is for Tract A and Engineer Brungardt stated it is "Planned Development" for the whole property. Chairman Kroeger said the preliminary plan was relatively vague and when the applicants came back, there would be restrictions to be discussed.

Commissioner Hemphill asked Staff to restate the "hard points" in Article VII. Recommendations by Staff on page 9 of 9 in the Staff Report. Engineer Brungardt said the plat line and the portable toilets need to be discussed. Discussion ensued between Commissioner Winslow and Engineer Brungardt regarding no sanitary sewers along 83rd Street. Chairman Kroeger asked if Phase 2 should require the sanitary toilets. Staff is sensitive to the "zero" building lot line. Chairman Kroeger said that at some point the Building Official will need to look at the ICBO regarding fire walls between garage condos. Planner Bohnsack this was discussed with the PD zoning and it is specified that uses are limited to the 'S' Use Group, Storage Type Uses in the 2006 Code. Commissioner Honomichl said he wants the electrical easement to be shown on the development plan. He said there should be some separation between the property line and the building on the north. Discussion ensued between Commissioner Hemphill and the applicant on the lot lines.

Chairman Kroeger asked about the driveway being paved for the fire access. The applicant said they are planning to put the fire access in the southwest corner. Chairman Kroeger said it is his opinion the property should be platted now, and the plat should fit with all the necessary easements.

Commissioner Honomichl said there are a number of items that should be shown on a far more developed plan, including those as listed on page 9, as well as the sidewalk and the provisions on the water. He said the landscaping plan needs to be tied in better and called out and consistent with Exhibit F's sketches of the rock area. An easement needs to be granted for toilet facilities, and the wrought iron fence needs to be extended. He wants these issues cleaned up and called out clearly on the plan before moving forward in the process.

Commissioner Honomichl said to forego the sidewalk along 83rd Street should be discussed. This would be basically a "forever" type waiver but the applicant has to agree to sign a no protest for a future benefit district. Otherwise, the sidewalk will need to be shown on the plan.

Commissioners said they do not have an issue with the water line being installed prior to occupancy permits. Commissioner Hemphill and Engineer Brungardt discussed the signage plan for the business.

Commissioner Honomichl said he would like to see the specific items addressed prior to taking any action on this plan. He doesn't feel comfortable approving something without more definition being disclosed on the plan.

Chairman Kroeger asked the applicant if they would like to comment.

Mr. Eric Offill, President, 29230 W. 83rd Street, business address. He said it has been a long time getting to this point and he said it is important for the Commissioners to understand where they have been and what has happened. He said the intent and commitment of the development group has not changed, but bank issues and the economy has held up their construction loan. The amount they have been allowed to start with is what has driven them to only construct one building at this point. He said without the City's help, he doesn't know how any business can get through this process. The funding hasn't changed their intent of what they want to build. They still want to do the entire development. The sooner the construction can get started, the sooner they will be able to go into Phase 2 and the market will allow them to add another building and a club house. Mr. Offill said he has been working with Steve Chick concerning a septic system.

Mr. Offill said that people want a different approach to how the units are designed. They are buying two or more units. This will cut down on the number of people needing to use a toilet facility. He stated they are using professional contractors and the company is hoping to use local people to construct the units.

Mr. Offill asked what the fire turnaround needs to be. He wants to know what is required as they aren't real sure what is needed at this point. Mr. Offill said there will be a water spigot put in at a later date. He said they need to use due diligence so the bank will go ahead with the money. Mr. Offill said the fence appears off from the PD because the AIMS maps they used weren't exactly accurate and the actual survey came out with things shifted slightly. He stated he hopes to be back in the winter to ask for approval for the second building and the clubhouse.

Mr. Offill stated they do not want anyone living in the 'condo' garages. He said it is for storage or garage facilities only. He said the sooner they can build and get on to Phase 2, it will give them more credibility to the bank and help their lending process. The contractors said they would like to get started and not have to wait another month as that will put them into winter.

Discussion by Commissioner Honomichl and Engineer Brungardt on the items that have changed in the Preliminary Development Plan. Two buildings were eliminated from the plan. The buildings will have to be approved as they are phased to build. Mr. Offill said he has no objection to moving the property line north ten feet. Discussion on the fire department "hammerhead" turn radius. Commissioner Honomichl said he feels these things all need to be nailed down before moving forward. Chairman Kroeger clarified that the gravel drive will remain and a hammerhead will be in for the fire department.

Mr. Offill said they are willing to go back as far as necessary for the transformer pad. Mr. Offill said if 30 feet is the magic number, then that's what they will do. Discussion on the landscaping plan and the plant units matching the plan. Mr. Offill told the Commissioners the timing is very important. They would like to move forward tonight.

Commissioner Honomichl restated the items again and said they should be shown on a far more developed plan, including those as listed on page 9, as well as the sidewalk waiver request and the requested change for provision of water. He said the landscaping plan needs to be tied in better and called out and consistent with Exhibit F. An easement needs to be granted for toilet facilities, and the wrought iron fence needs to be extended. The fire access turnaround should be shown on the plan at the southwest corner of the proposed parking area and the lot line should be moved to the north to encompass the area of the portable toilet and the electrical utility. He requested City Staff assist the applicants in completing these necessary items prior to bringing the plan back to the Commissioners for review and approval. It was suggested by Commissioner Honomichl that some of the items be addressed in a narrative to the plan as well as on the plat so there is no confusion on the intent.

Chairman Kroeger said the trees existing on the property can be taken into consideration on the landscaping plan. A discussion ensued between Commissioners.

Motion by Commissioner Honomichl to table the Final Development Plan for Phase I of the Carriage Houses development until the next Planning Commission meeting; second by Winslow.

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

Motion by Commissioner Honomichl to call a special meeting on July 6th at 7:00 p.m. for the purpose of considering the final development plan for Carriage Houses of Johnson County; second by Winslow.

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

Motion carried.

- B. Consideration of Final Plat for Phase I of Carriage Houses of Johnson County, a garage condominium development.

Motion by Commissioner Honomichl to table Item 7.B. to be considered at the Special Meeting on July 6th at 7:00 p.m.; second by Krudwig.

Roll Call:	Crumbaker	Absent	Kroeger	Yes
	Hemphill	No	Krudwig	Yes
	Honomichl	Yes	Vacant	
	Winslow	Yes		

Motion carried.

Commissioner Hemphill asked about the items that are set out in the Staff Report concerning the Final Plat.

Discussion between Mr. Burton and Commissioner Honomichl that the fire access can be in an easement.

- C. Discussion of Comprehensive Plan yearly review topics. Planner Bohnsack provided Commissioners with a hand out of the Goals and Objectives. She requested feedback from the Commissioners.

Motion by Commissioner Winslow to table this to the next Planning Commission meeting; second by Honomichl.

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

Motion carried.

No further business was discussed by the Commissioners.

Motion by Commissioner Honomichl to adjourn at 10:32 p.m.; second by Hemphill.

All Commissioners approved by "ayes".

Motion carried.

Respectfully submitted:

Lana R. McPherson, MMC, City Clerk