

PLANNING COMMISSION MEETING MINUTES

Tuesday, May 24, 2011 AT 7:00 P.M.

MEMBERS PRESENT: Tom Gray, Dan Carter, Dave Pierce, Robin Neal, Merle Parks, Craig Stephan and Jason Krone

MEMBERS ABSENT: Malisa Wallace

STAFF PRESENT: Don Slone, AICP, CFM, Planning Director
Terry Barlow, Departmental Administrative Assistant
Bill Legge, P.E., City Engineer

Chairman Parks called the meeting to order at 7:02 p.m. and asked for a roll call.

Chairman Parks introduced **Item No. 1: Approval of Minutes** and called for a motion to approve the minutes of the April 26, 2011 Planning Commission meeting. Commissioner Pierce made a motion to approve the minutes as discussed during the Study Session and Commissioner Stephan seconded the motion. Chairman Parks asked if there were any questions or other comments concerning the minutes. Seeing none, he called for the vote. The motion passed unanimously.

NEW BUSINESS

Chairman Parks introduced **Item No. 2: Site Plan: ST-11-101, "Papa Bob's Bar-B-Que Addition"**, 0.88 acres unplatted that is zoned C-S, Highway Service District. Requested by Robert Caviar, Caviar Enterprises, LLC, property owners of record. The site plan is being submitted in order to construct a covered entry on the front and side of the existing restaurant to control the inside environmental conditions of the restaurant. The property is located at 11610 Kaw Drive.

Chairman Parks asked for a Staff presentation. Staff presented its recommendations to the Planning Commission. Staff recommended approval subject to the one (1) condition as listed in the Staff Report. The Planning Director stated the property was in the 100-year floodplain of West Mission Creek and that the conditions to approve the Floodplain Development Permit have been addressed. The Planning Director stated that he would be glad to answer any questions the Planning Commission may have. The Planning Director noted that the one (1) recommended condition has been addressed.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Robert Caviar** stated that they were in agreement with the conditions as listed in the Staff Report. Mr. Caviar also stated that he was doing the small additions in order to reduce his heating and air conditioning bills for his restaurant.

Chairman Parks asked for any questions or comments from the audience. Seeing none he called for a motion. Commissioner Stephan made a motion to approve with the conditions listed in the Staff Report. Commissioner Neal seconded the motion.

Chairman Parks asked if the Planning Commission had any questions or concerns. Seeing none he called for a vote. Motion passed unanimously.

Chairman Parks introduced **Item No. 3: ITEM NO. 3: Zoning Ordinance Amendment: BSZP-118: "Private Use of Public Parking Lots"**: The Governing Body requests the Planning Commission consider an amendment to the Zoning Ordinance to allow for Private Use of Public Parking Lots. The Planning Department recommends the amendment be placed under Section 5, Temporary Uses Permitted, Article XXII of the Zoning Ordinance to allow for private use of public parking lots.

Chairman Parks opened the public hearing at 7:08 p.m. and asked for a Staff presentation. Staff presented its recommendations to the Planning Commission. Staff recommended approval of the amendment as written in the Staff Report. The Planning Director stated that he would be glad to answer any questions.

Chairman Parks asked if anyone in the audience had any questions or concerns. Seeing none he closed the public hearing at 7:10 p.m. and asked for a motion. Commissioner Pierce made a motion to approve the item with a second from Commissioner Krone.

Commissioner Stephan asked when Ordinance 2304 was approved. The Planning Director stated it was approved on April 25, 2011. Commissioner Stephan then asked why it is being brought to the Planning Commission when the Governing Body had already passed it. The Planning Director stated that the Governing Body only approved Ordinance No 2304; they did not approve any changes to the Zoning Ordinance. The restriction under Section 12-704(G) needs to be amended in order for any private use of the public parking lots.

Commissioner Stephan asked if the attached draft Ordinance is for the Planning Commission only or will it be forwarded to the Governing Body? The Planning Director stated that this is a draft of the ordinance that will be sent to the Governing Body. Chairman Parks stated that right now there is no private use for a public lot but if this is approved, the Governing Body will be able to approve the use of the public lot for private uses.

Chairman Parks stated that the question is whether or not we want to put this power in the hands of the Governing Body?

Chairman Parks asked if there were any further questions. Seeing none he called for a vote. Motion passed on a 4-3 vote. Commissioner Pierce voted no. He stated that parking lots should only be for parking and is also concerned by the potential liability to the city that would go along with allowing the private use of public parking lots.

Commissioner Neal voted no. She stating that she also felt that public parking lots should be for parking only.

Chairman Parks voted yes. He felt that the Governing Body should have the authority to determine if and when private uses of the public parking lots should be allowed.

Commissioner Stephan voted no. He does not have a problem with private use of public parking lots; however, he does not like the way the ordinance is written and would like it to be rewritten and sent back to the Planning Commission for further consideration.

Commissioner Krone voted yes. He feels that the Governing Body should make the final decision.

Commissioner Gray voted yes. He feels that the Governing Body should make the final decision.

Commissioner Carter voted yes. He feels that the Governing Body should make the final decision.

The Planning Director stated that he will forward this item to the Governing Body on June 13, 2011 with a Planning Commission recommendation of approval.

Chairman Parks introduced **Item No. 4: Planning Commission Discussion**, to direct Staff to publish for a Public Hearing in order for the Planning Commission to consider an amendment to the Future Land Use Map from a Commercial to an Industrial designation and a rezoning from C-S-P, Highway Service District Planned to an I-1, Light Industrial District classification for the KDOT Facility Bonner Springs located at 650 N. K-7 Hwy.

The Planning Director requested the Planning Commission direct him to publish for the public hearing to be held on June 28, 2011. The Planning Director stated that he would be glad to answer any questions.

Chairman Parks asked the Planning Commission if they had any questions about the request. Seeing none he called for a motion. Commissioner Stephan made a motion to direct staff to publish for the public hearing to consider the change in zoning from C-S-P to I-1 for the KDOT Facility. Commissioner Krone seconded. The motion passed unanimously.

The Planning Director stated that they will have Planning Commission meeting next month to consider this item.

Chairman Parks asked if there was any further discussion or other items. Seeing none, he adjourned the meeting at 7:20 p.m.



Planning Commission Secretary