



**MINUTES**  
**PLANNING COMMISSION**  
City Hall – Bel Aire, Kansas  
January 11, 2018  
6:00 P.M.



The meeting of the Bel Aire Planning Commission was called to order at 6:00 pm by James Schmidt

**Members Present:** James Schmidt, Stephen Crook, Jeff Artz, and David Floyd

**Members Absent:** Craig Pumphrey, and Dee Roths. Carla Zielke- position hasn't been filled.

**Others Present:** Keith Price, Zoning Administrator, Jacqueline Kelly, City Attorney, Anne Stephens, City Engineer and Public Works Director

**Pledge of Allegiance:** Led by James Schmidt

**Approval of Minutes from Previous Meeting.**

Jeff Artz-Requested a grammar change and a typing error be changed.

Motion to approve the minutes of November 16, 2017

Motion to approve was made by Stephen Crook with changes Seconded David Floyd Vote 4-0

Motion to approve the minutes of December 14, 2017

Motion David Floyd Seconded Stephen Crook Vote 4-0

**OLD/NEW BUSINESS**

**Open hearing**

**Resolution No R-17-32 directive is to hold a public hearing, in accordance with provisions of the Statute, to GRANT A PETITION TO EXCLUDE A PORTION OF THE INTERSECTION OF WOODLAWN AND 37<sup>TH</sup> STREET FROM THE BOUNDARIES OF BEL AIRE, KANSAS**

Jacqueline Kelly-Wichita currently holds other portions of the Woodlawn intersection and 37<sup>th</sup> St. They have agreed to take over the Bel Aire portion of the intersection and maintain the entire intersection. Currently Bel Aire owns a section of that intersection, and the county owns a section, and the City of Wichita owns the other two sections. It is not practical to go out if there is an accident or for snow removal and designate one responsible party.

Bel Aire and the County have gotten together and agreed to de-annex our portions, allowing Wichita to annex the entire intersection for ease of maintenance. We have also discussed providing an easement for Wichita to access their utilities on our corner that we have retained on the northwest corner of the intersection of the right of way.

This is the purpose of the de-annexation.

Jeff Artz-motioned to approve the request.

James Schmidt- He is concerned with the city monument sign location and if the street will require widening in the future, who's expense would be to move the sign?

Jacqueline Kelly- That would depend on the terms of the contract to widen the intersection, once you get out of the intersection we own the north part, we are retaining that land the monument sits on. They will

only have an easement to work in; Bel Aire will more flexibility to ask for payment or other things if that becomes an issue.

Closed Hearing

Motioned to approve Jeff Artz Seconded David Floyd Vote 4-0

James Schmidt opened the hearing.

**A. Case No. CON-17-02 Property owner has requested to allow a home-based Gunsmithing in an R-1 Zoning District presented by Mr. Sean Metheny**

Mr. Sean Metheny- He lives at 4155 N Battin and has submitted the application to run the gunsmithing business from his home; he previously run the company out of his home in 2012. He was licensed by the city had had no issues during that time. He then moved his business to a retail location in Wichita, he did that for a couple of years. He did not have enough business to sustain the overhead, so the decision was made to move it back to the home.

James Schmidt-Do you have a test range in your basement?

Mr. Sean Metheny- No, he has a couple of locations outside of the city limits for testing purposes. There will be no discharging of the firearms at the home.

James Schmidt- More or less just rebuilding guns, repairing, and servicing guns.

Mr. Sean Metheny-Yes, a lot of replacement of parts, but no manufacturing, no ammunition; nothing like that.

Jeff Artz- How many weapons will you have at your house at one time? Five? Ten? How many at one time?

Mr. Sean Metheny-That is a very difficult question to answer; there are two currently there now. It depends on the work load, who brings them in and for what purposes. No more than ten or twelve at one time.

Jeff Artz-How many rounds of ammunition will be on site at any one point in time?

Mr. Sean Metheny-None commercially, he has personal, but that is completely separate from the business. None will be associated with the business

Jeff Artz- What security measure do you have in place to prevent burglary? What type of system do you have in place?

Mr. Sean Metheny-There is a security system located at the site monitored 24/7. Cameras, and a standard window and door alarm system.

David Floyd- You are allowed a two foot by two foot sign by code; what type of signage will you have?

Mr. Sean Metheny-No signage. Everything he does is by word of mouth as indicated in the application.

James Schmidt closed the hearing.

Stephen Crook Motioned to approve without changes; seconded by David Floyd Vote 4-0

James Schmidt- Mr. Sean Metheny this will go to the city council for final review to approve.

James Schmidt opened the hearing

**B. Case No. CON-17-03 Property owner has requested to allow a Hermitage type housing in an R-6 Zoning District presented by Phil Meyer, Baughman Co.**

Phil Meyer-the property is located at the Spiritual Life Center (SLC), [holding up a map], asked if everyone had a copy.

Commissioners- Had a smaller black and white map.

Phil Meyer-They are asking for a conditional use permit to construct up to ten hermitage homes on this property for the Spiritual Life Center [passing around color maps]. These will be located on the east side of the existing lake, north of the Spiritual Life Center.

If you went to spend a weekend today at the SLC today they have room for you to retreat. These homes are design for you to go out for the night or for the weekend, or even for the day. You would park at the SLC and walk or ride a golf cart to these homes with your overnight bag to retreat.

One person per home is the intent of these homes, or it could be a couple. Once the retreat is over you would go back to your car and leave.

There are some technicalities Keith Price and I will need to work through. This property will need to be platted before the building can be built. The plan is to use the Bel Aire sewer and water, they are not trying to get out of that, but they may look at alternatives because it is not like residential housing, flushing a toilet while washing laundry. They may ask to hook three or four units together or other options that are not typical, but resolved during the platting stage with you. They will need to work on the emergency access to this project. [Sketch drawing presented] You see a little access culvert in the cul-de-sac in the lower left hand corner that is on the cemetery property today. That would be for serve of the property, for emergency service, and will be required by the fire department. The visit with the fire department, they have required access to get to these homes, and safe route to get a gurney into one of these facilities. The intention is not to have people park cars in front of the homes, or haul in a lot of luggage from this access. Anyone staying in these will park down at the SLC.

James Schmidt- Please explain your thought regarding the optional sewer system a little more.

Phil Meyer-These hermitages would have minimal use and they would like to avoid individual taps. That is based in part on economic and some on function of the system. They don't know exactly what they will do at this time. They may hook three units together on a service line or may go to a holding tank and that be pumped to the service main. They have been looking at three or four options that may work, that they will bring to the city at a later time. They will have to have staff support when they come back for platting.

Jeff Artz- What is this property currently zoned?

Keith Price-R-6, multi-family, the same as all of the catholic diocese property in the area. Within the zoning regulations of the R-6, conditional uses lists churches and their accessory buildings, and boarding and lodging houses.

Jeff Artz-These hermitages would be considered accessory structures?

James Schmidt-These would be short term use like a motel.

Keith Price-Yes these could be considered accessory to SLC or boarding or lodging houses. Westar considered these seasonal and indicated the developer would pay for the electrical portion to provide service to these units. The discussion was that the use would be minimal as a temporary facility. Everyone has a little bit different terminology when talking about these units, the site plan labeled these as cabins.

Phil Meyer-Expanding on the discussion, these would be an accessory to the use of SLC, you couldn't stay here unless you had permission from the SLC. Typically, it will be an event they put on, not to say it wouldn't be available to someone through SLC. The doors would be lock when not in use.

Jeff Artz-To clarify the zoning will remain R-6 and they are requesting a conditional use permit.

Keith Price-Yes, R-6 with a conditional use permit to allow ten accessory cabins; if they would increase the number to the north or there is concern about the overall quantity this is the time to bring that up as well. The intention based on the presentation ten might be the maximum number.

Phil Meyer-They would start with three and the maximum would be up to ten. Their option would be if SLC would want to go beyond ten, they would come back and amended the request at a later time.

James Schmidt closed the hearing

David Floyd- All concerns have been appeased related to R-6 zoning, there are other concerns to be addressed during the platting process.

David Floyd Motioned to allow a hermitage type housing, up to ten units in an R-6 zoned district, as part of the SLC, Seconded by Stephen Crook Vote 4-0

James Schmidt opened the hearing

**C. Case No. ZON/-17-02. Proposed re-zoning approximately 1.17 acres from C-1, to a C-2 Commercial District, with a Planned Unit Development overlay, to operate a landscape company. Presented by Phil Meyer, Baughman Co.**

Phil Meyer- Matt Hermes is the owner of Premier Landscape Management, LLC, and the owner of the 4720 N Oliver Property. Matt is looking to operate his landscape maintenance business from this location, storing his mowers, equipment, and materials. This is not a retail sale operation; he will show up in the morning with his crews load up and go to the job site elsewhere work for the day and come back unload the equipment. Some equipment and material are outside and some inside the existing shop. No one will be living on this premises.

Matt purchased this property approximately one year ago. Unfortunately he was under the impression he could operate his business, but he was miss lead by the previous owner. We have neighbors here tonight at the meeting; what has been said the previous owner wasn't operating to city codes and regulations. Matt found this out afterwards he couldn't operate his business there. He has been talking with the neighbors and some are here tonight to speak in favor of the improvements or may have questions.

The site plan in front of you shows how the property is intended to be used for the business. The existing parking and building we will leave, there are some areas shown for outdoor storage and materials used in landscape maintenance business. There is a fence that runs along the east property line shown on the sketch is about twelve feet off the property line currently; the drawing has it shown about ten feet off the property line. They are going to move it back to the easement, allowing the existing vegetation to stay. It is a six foot fence to day, they are willing to make it an eight foot fence as a buffer. They intend to keep trees in this space as a buffer. There is a problem with the fence constructed in the Oliver Street right of way; Matt will move that back on the property. This plan will resolve the issues the city has had with the property if this plan is approved.

Matt Hermes-The current fence doesn't enclose the entire property, enclosing the entire property with an eight foot fence is the plan. The fence will be wood, treated, the posts will be metal. Gates will be installed at both entrances for security when they are not present. The storage locations

on the plan would be for materials such as gravel, landscape pavers, materials they would use on a job. The previous owner's storage grass clippings on the property, we have an account with Wichita city landfill and would be hauling anything like that to them. There wouldn't be anything like that stored on this property what so ever. This a property only the managers and employees would show up to, getting their gear and equipment and going out for jobs of the day and returning at the end of the day. Nothing more, this will not be a retail place. This is a seasonal business, in the winter it will mostly be sitting, they don't do a whole lot of winter business. There is a buffer between all fence lines.

Jeff Artz-Will you be doing maintenance there on the equipment?

Matt Hermes-Yes, inside the existing shop, there two bay that are open to use. They would be changing oil or cleaning out vehicles. They would complete maintenance on their mowing equipment to make such it operates correctly. They wouldn't do engine repairs in house only their regular routine maintenance.

James Schmidt-Your neighbors to the east have fence up also correct?

Mat Hermes-Two of these properties, the most north and the center properties do not have a fence. The property to the south, does have fence in place. No survey of their fence has been completed.

James Schmidt-Will that create a gap between fences? Who will maintain that space?

Matt Hermes- Currently there is about twelve feet, they would like to move it to about ten feet, however talking with the neighbors they would like to keep some of the trees between properties. They will adjust the fence to allow the trees to remain, even if the fence is at ten, eleven, or twelve feet. There are no fence within that twelve feet; they will maintain that space between fences. They have maintained the property all year very much different than the previous owner.

James Schmidt-Weed control, and no storage of grass clippings. What type of materials would you store?

Matt Hermes-Top soil, gravel, pavers, retaining wall, sand, all dry materials such as that.

Stephen Crook-What are the business hours of operation?

Matt Hermes-They have their current facility in Goddard Kansas. A typical day everyone shows up about 7:15 a.m. and is pulling out by 7:30 a.m. Work days go between 7a.m.- 3 p.m., sometimes 5 p.m. You just don't find employees that go all hours of the day sun up to sun down. Sometimes you do get that if there is full week of rain and you try to catch up the following week. I'm aware of the city noise ordinance from 7 p.m. to 7a.m.; it is in the verbiage and will be followed.

David Floyd-You don't do much in the winter time? Do you do snow removal?

Matt Hermes-That is their only winter activity, they have F-250s they place snow plows on the front. No semis trucks or dump trucks, they have salt machine that goes in the back of the pick-up. There are a few winter jobs.

David Floyd-This site plan shows a future building site, is that something you would construct immediately?

Matt Hermes-No plans to construct this building now; if this property was sold down the road, the future owner would want to expand to protect equipment by building another building it would be allowed with this plan.

David Floyd-There is a strip along the south edge of the property that indicates a lease agreement with the south property owner, why are you not fencing that with the rest of your property? Why is outside of your screening fence?

Matt Hermes-If you look outside of the dark property line, there is a little tale to the east that jets out, the entire area for lease is on a utility easement, and they don't intend to use. The property owner to the south has interest in the area. Whether they lease it or mow it isn't useable to them.

David Floyd-One of the key factors is the character of the neighborhood, you will be constructing an eight foot tall fence with steel fence posts. It goes a long way to have the fence pickets facing outward, can that be part of the PUD.

Matt Hermes-The fence will be facing outward toward the neighbors and the road, posts on the interior of the panels. This was discussed with all of the neighbors and can be part of the PUD if it isn't.

Keith Price-The current regulation does require the pickets to be facing outward, but regulations can change. If it paramount to require this it should be in the PUD. During the meeting with staff the lease agreement information should have been removed from the green space. This property to the south is residential, I had recommend this space be left as a green for a buffer and not used for parking by leasing it to the neighbor. That is something that didn't get changed; if you are willing to leave that in the PUD, I would want a motion to include that note.

Matt Hermes-This looks like something they overlook when they made their final changes, if this of concern they are willing to remove that language; it is a green space.

Keith Price- During the staff review of the PUD it was the recommendation to remove the language.

Stephen Crook-What do they want to lease the property?

Matt Hermes-The neighbor didn't specify.

Rod Libby, 4648 N Oliver-neighbor adjacent on the south side. Builder of four houses in the area, living here for almost twenty years. In support of Matt, I have dealt with this property, Keith has dealt with this property. There has been barrels, boats, weeds three feet high, Matt has done nothing but improve the property. That easement is currently gravel and is the drainage for the housing from the east and is so wet and can't be mowed. That area becomes a swap, the gravel allow the water to run through it. The easement does have a city main in there and needs to be kept open. 7 a.m. to 7 p.m. is okay to operate a landscape company. The south side neighbor is commercial and has had lights shining into bedroom windows at various times from fireworks stands. We try to be a good neighbor. The tall fence will help to block some of the Oliver noise, we have planted trees in front to block noise.

James Schmidt-Are you the neighbor that would like to lease the property?

Rod Libby- Yes, I park cars on the gravel, and have building in the back for ten years or longer.

Marie Inckekel, 4711 N Glendale St.- Matt is quiet now; the only request is that the existing trees be left in place and not moved whether they are on my property or not. Currently tree is a mulberry tree there that attracts wildlife and I have an organic garden. We eat the mulberries, grew up

eating mulberries as part of Kansas; that is what you do. If he can put up the fence and not touch the trees more power to him. The property has been cleanup.

Mr. Greg Schuessler, 4721 N Glendale-Since the applicant made contact over a year ago, he has done nothing but clean up and make improvements to the property over there; he has taken down the wild trees coming up around the building, he has made repairs to the existing fence that is there now, made drainage improvements in his area. He has cleaned up the landscape timbers around the front parking lot and made that look good. The history of the building, it started as barricade company, and then was a landscape company for a while, similar to what he is asking for, I see no reason to oppose this request. He has been nothing but congenial, and looking out for the neighborhood, that deserves respect he has offered to help with my landscape next to the fence.

James Schmidt-Matt Hermes has Marie Inchekel talked to you about the trees? Are you willing to leave the trees?

Matt Hermes-Yes, it would be in the best interest of her and us to leave the trees as barrier. Less noise and better looking.

Jeff Artz-Have you made contact with Vonda Peterson, she has provided a letter indicating she is not in favor of the request.

Matt Hermes-I have gone by her house, the letter stated she works nights, I didn't catch her earlier today. She lives around the corner from this property on the back street to units away. With the eight foot fence we are putting in and the amount of noise that will be created will affect her. In her letter, she is opposed to a business, however, this property is already zoned for business as a C-1 as well as the two corner lots. This is not a retail unit, current we own six trucks; six vehicles in and out each day. No heavy traffic or super noisy.

Jeff Artz-So, you haven't spoken with her?

Matt Hermes-Not yet, just received the letter yesterday, but am willing to speak with her. Due to her schedule it didn't appear she had a lot of availability.

Keith Price-I distributed the letter the same day I received it and was added to packet tonight.

Matt Hermes-I have been in contact with all the neighbors directly surround the property, some were not able to make tonight, if you want a written statement from them, they are willing to sign and provide that they are in favor.

James Schmidt closed the hearing

David Floyd-This is a zoning change and we have several golden factors to consider laid out in the staff report. Character of the neighborhood, use of the property nearby, suitability of the property. Currently it is zoned C-1 that would allow offices, but not a shop. I don't see how it is suitable for C-1 with a shop in place. The existing facility is a more intense use than the current zoning will allow.

Keith Price-C-1 doesn't allow the use of a PUD for a commercial development, the first category available is a C-2. M-1 industrial is another category this would fit into that allows a PUD.

James Schmidt-C-2 would be the correct one to use?

Keith Price-This is a non-conforming property, it has history of two uses prior to code changes that are similar to what you are looking at is the only reason to bring it to you for a decision. The

property has a track record of being used in this way, the hardship to convert the building to be used, or razing the building and starting fresh. What would the city end up with that is better? The city Comp Plan future vision map has this shown as C-1, the new maps presented to you before that will be part of the new Comp Plan if adopted, has this shown as Mixed Use Local Commercial. So you should look at the history, your current code, and try to mesh what is equitable for the surrounding property owners. This is more complex than most cases that will be in front of you.

James Schmidt-I like the C-2 better than the M-1 because it refers to commercial. We would be restricting this property to commercial use only for whatever may happen in the future.

Keith Price-If you would look at the handouts, the map or the General Provisions pages; item 6 on the General Provisions they are concerning single family, duplex, community assembly, office, construction sales and serve, outside storage as limited here in.

David Floyd-Is that speaking to the permanence of the PUD? Once the PUD is set in place those uses would be locked in and allowed overriding current zoning?

Keith Price-Correct, City Council can supersede the general zoning code by approving a PUD. The General Provisions list the specific uses.

David Floyd-The more intense uses have been done before on the subject property, that could be the way to justify the removal of the restrictions without being detrimental to the nearby property. I would like to be able to check off the entire list provided.

Phil Meyer-I'm guessing you have whale of a list, it isn't a perfect world, I don't believe you are required to check them all off. The question is can you get the majority of them check off; can you use some of them to justify the approval? The challenge you have before tonight is the unique property, the zoning started back with the county; the use was allowed during the time it was constructed. The city annexed it, had problems with it, and has had problems with previous owners. Understandably, down-zoned this property, so now it has a less intense use. The burden you have while going through your list and saying this don't fit. Someone comes and purchases this property and tears the building down, comes back in to rebuild a use that would fit, retail or office. The pure economics of that, you should question. It is not affordable to purchase a property like that and tear it down. That structure is not going to get remodeled into an office complex or retail sales; could in happen? Yes, what are the odds? It will sit there a while. You have chance to get something back on the tax role, and to get it cleaned up. It may not be the correct neighbor in theory, but with the right operator it can be. When you go through the golden rules think about the history.

James Schmidt-Thank you for the history, the property has been pretty rough over the years.

Jeff Artz-Were you working with the owner prior to current owner purchasing this property?

Phil Meyer-We were not. No Sir.

Jacqueline Kelly-The factors of the case do need to be the basis of your decision, but each can have a different weight placed on it in order of importance.

David Floyd-Since I brought up the golden rules, this request is going to align the current property with the current character of the property. C-1 overly restricts this property, based on the history of uses of the property and needs to be allowed to be intensified. We need to spend a little more times discussing the proposal with the owner, we are not locked in with the graveled area, the lease with the owner to the south; we have talked about it being green space.

James Schmidt asked for a motion



David Floyd-I would like input from staff before regarding the strip of land before locking into a PUD. Will this be just green space, can the neighbor use it to store property? Will this make the neighbor non-compliant once the city council approves this PUD? Are we taking staff recommendation to only allow this as a green space?

James Schmidt-Can we vote on the rezoning first and then continue with the PUD?

**Rezone request of lot 1, block 1, of Winkley addition to C-2, planned Commercial**  
Motion: The subject property be rezoned from C-1 to C-2 with a PUD overlay to operate a landscape Company David Floyd Seconded Stephen Crook Vote 3-1 abstain

**PUD request to allow a commercial landscape company at said property.**

James Schmidt-Are we saying the stripe of land is not usable?

Keith Price-It has been described to me as a drainage way in a meeting yesterday. It is my recommendation the buffering that you would normally have between residential and commercial that is not a C-1, be more stringent. An eight foot fence, with a green space, that is a drainage way that is utilized as an easement, seems to make sense. The review of all of the General Provisions, haven't been looked at closely [revisions]. Key points-are you ok with the future uses, the future building site, the overall future building size, are you ok with the size? Staff was ok with these changes.

David Floyd-Is the overall height limited to 30'?

Keith Price-There is no limit listed. The city has General rules related to the height and building setback, but that wouldn't apply until the building reaches the height 75' or greater if it is still in the code. Building codes would also apply. Someone purchasing the property to build something outrageous is not likely. I would like to add that a condition be added that the city staff or city attorney review the final General Provisions if approved before going to City Council. In addition, in the motion add in your decision on the uses and the lease request for the area along the south.

Jeff Artz- Please explain what you said regarding the city attorney and city staff.

Keith Price-Those were suggestions to add to the motion that the language be reviewed by staff before going to city council, rather than tabling the request.

Jeff Artz-Haven't the General Provisions already been reviewed by staff?

Jacqueline Kelly-I have not thoroughly reviewed these General Provisions.

James Schmidt-I'm confused a little, you would like us to approve this PUD and allow staff to send it to city council?

Keith Price-If all of the high points are in align with uses, screening, green space, fence, and drainage.

James Schmidt-I'm concerned that this greenspace was brought up as a green space is this the way it is platted?

Keith Price-No, there is no drainage plan that I'm aware of for this area.

Phil Meyer-I'm okay if you would like to approve the PUD with condition " subject to staff and applicant working out some fine tuning details that matches code".

Jeff Artz-I would like to have staff's changes and the city attorney's changes before voting on this PUD.

Jacqueline Kelly-Within the current provisions, the entire site will address drainage. So if staff determines that drainage is a necessity for a portion of the property a lot of latitude to ensure that continues to be used in that manner. Anything perceived to be detrimental to drainage would require the city engineer to approve as is written currently. If you want something more restrictive you can add in, this "shall be a green space". Ironing out any detail wouldn't change the current drainage requirement.

James Schmidt- If this was approved as written, the neighbor could continue using the property?

Keith Price-I couldn't say the neighbor would be able to continue in the same manner, this area hasn't been approved for parking by the city. An agreement with a third party on a PUD, doesn't make since either; I feel that language should be removed.

David Floyd-A gentleman's agreement is one thing, but I think the language should be removed from the PUD as well.

James Schmidt-Asked Rod Libby if he understood what the concerns voiced were about related to his property stored on the subject property or near the property line.

Rod Libby-I have maintained this area for fifteen years, it's a swamp, and I do park there; I could compress everything over. The area is not mowable, it needs to be a drainage way. In the wet season you can't walk across it, mosquitoes become a problem. It all needs to drain to Oliver Street. You wouldn't want to plant trees.

Keith Price-the intent wasn't to require trees, just green space, no paving. This may need to be re-evaluated for drainage issues so it doesn't hold water.

Matt Hermes-This was added originally as a potential lease, with nothing set in stone. As it stands it will remain my property and for us to maintain. It does retain water, the front ditch does have areas that have filled up with soil that could be cleaned out; unsure who would clean the ditch. The culvert is block a little that can be cleaned. The fence would be located as shown anyway, they wouldn't fence the easement. The PUD doesn't hinge on the lease anyway, they had intend to remove it anyway; it was overlooked.

James Schmidt-Do we need to create a drainage easement in this area?

Keith Price-That could be added to the ordinance, it may be just shown as a utility easement on the plat.

James Schmidt-We have a gentleman that lives beside this area, that has been maintaining this area for years, making sure it drains.

Keith Price-He may not live there in a few years, would you like to add in language that he will continue to maintain for ten years? [Jokingly]

Jacqueline Kelly-We really don't want any third-party agreement of this type on the site plan.

Anne Stephens-As part of the General Conditions, [she read number 5], the owner is responsible for drainage and for maintaining that area, and to ensure there is positive drainage for the entire site. If the current user of that stripe fails to continue to maintain that area, it falls back on the owner, and continues to be the owner's responsibility regardless.

Approved minutes 1.11.18

James Schmidt-As long as we have someone that the responsibility will fall back on regardless if someone leaves; someone buys the property next door and doesn't want to have anything to do with it. It reverts back to the property owner, I would be happy with that.

David Floyd-Subject to the storm water plan approved by the city engineer, providing a fresh set of eyes to the undeveloped are of the development, that may require change.

James Schmidt-Relayed message to Matt Hermes,"... you are responsible..."

Matt Hermes-Concurred completely.

Jacqueline Kelly-Described a recent property owner that couldn't meet the engineering standard for drainage of the property and was denied permits to build on the property.

David Floyd-We are not making a determination whether or not you have right to offer a lease for the use of the property; we are making a determination if this should be on the face of the PUD site plan.

David Floyd-Made motion

Jeff Artz- I'm unclear what Keith, and our attorney Jacqueline will do after the motion is approved, will there be further review?

Jacqueline Kelly-Any additional review proposed as condition if this was tabled to work out later. There is no need now, you have been presented with the information to meet your expectations, and address it with the information you have now.

Keith Price-Anything related to clerk's errors, typos, miss spellings, without altering the intended contents.

David Floyd-The function of the lot size and the height of the structure would allow what height of building?

Keith Price-This would be the time to place a limit on the height of the building. The general rules wouldn't impact the height until it would reach 75' high, then the building would be setback from the road an additional amount.

David Floyd-Withdrew motion made, to discuss height and place a restriction on height.

James Schmidt-Questions related to rules of a PUD were discussed. He asked Phil Meyer back to speak to the height restriction.

Phil Meyer-If you would like to limit the height to the existing height of the shop, we are fine with that, or a 30' height. Not to exceed the height of the existing building within the PUD we will accept either of those decisions.

David Floyd Motioned to approve PUD request to allow a commercial landscape company at said property as presented, with the exception to have removed, the language that states proposed area for lease with the owner to the south, and add a height restriction on the proposed future building, not to exceed the height of the exiting building.

Commissioners discussed information already presented related to city staff review, lease, drainage, and height.

Approved minutes 1.11.18

Seconded Stephen Crook Vote 4-0

### **Current events**

Anne Stephens-City Hall will be closed for MLK day January 15. City Hall has new office hours 7:30am-5:30pm Monday through Thursday, and Friday 7:30am-1:00pm.

Keith Price-Training was offered via email to you, cut off to sign up is Tuesday next week city will pay the entry fee only.

Anne Stephens-Tuesday will be the first official meeting of the new City Council; they were sworn in this Monday.

### **Next meeting February 15, 2018**

James Schmidt moved to approve. Seconded by Jeff Artz. Motion carried 4-0

### **Adjournment**

Stephen Crook motioned to adjourn the meeting. Jeff Artz seconded.

Motion carried 4-0.

Meeting adjourned. 7:39 pm

Submitted by Keith Price, Building and Zoning