

MINUTES
PLANNING COMMISSION
May 27, 2021
5:30 P.M. Regular Meeting

CITY CLERK
2021 JUN -1 PM 2:42

	<u>Name</u>	<u>Members' Term Attendance</u> (mtgs attended-mtgs absent)	<u>End of Current Term of Office</u>
MEMBERS PRESENT:	Josh Knight	(07-01)	08/05/23
	Bob Bucher	(34-04)	06/15/23
	Donna Jean Boyer	(35-02)	07/22/23
	Reba Kendall	(59-07)	01/29/22
	Karen Quintana Planalp	(18-02)	08/04/24
	Ben Burnnett	(28-08)	02/12/23
	Allison Tschannen	(12-09)	07/15/24
	Tim Doyle	(11-05)	12/14/24
MEMBERS ABSENT:	Lauren Catron	(31-13)	07/17/22
STAFF PRESENT:	Ted Elo, Assistant City Attorney Zack Martin, City Planner Brady McKinley, Assistant Public Works Director Jake Fisher, Interim City Engineer Rebecca Shipp, Executive Administrative Assistant		

Call to Order –Kendall called the meeting to order at 5:30pm.

ROLL CALL: Quintana Planalp-present, Tschannen-present, Catron-absent, Burnnett-present, Bucher-present, Doyle-present, Knight-present, Kendall-present, Boyer-present. Quorum is present. Five members constitute a quorum.

Kendall entered Chapters 11, 26 and 31 of the Code of Ordinances into evidence.

Martin informed the Commission of adjustments to item #8 and item #10.

Kendall read the rules of conduct.

Tschannen made a motion to approve the minutes of the April 22, 2021 meeting. Doyle seconded.

VOTE: Quintana Planalp-yes, Tschannen-yes, Burnnett-yes, Bucher-yes, Doyle-yes, Knight – yes, Kendall-yes, Boyer-yes
Ayes – 8, Nays – 0, Abstain – 0 Minutes approved.

NEW BUSINESS

ITEM #1 Major Subdivision – A request for approval of a preliminary plat for a major commercial subdivision entitled Community of Christ Plat 2 at 5130 Faraon, as requested by Lynn Wilson.

Major subdivisions are forwarded to the City Council.

Staff recommendation: approval

Martin gave the staff report.

Discussion was held between commissioners and staff regarding the item.

Kendall opened the item for public comment.

No one spoke in favor of the item.

No one spoke in opposition to the item.

Kendall closed the item for public comment.

Burnett made a motion to approve the item. Quintana Planalp seconded.

VOTE: Quintana Planalp-yes, Tschannen-yes, Burnett-yes, Bucher-yes, Doyle-yes, Knight – yes, Kendall-yes, Boyer-yes

Ayes – 8, Nays – 0, Abstain – 0 Motion approved.

ITEM #2 Authorization to enter into a Subdivision Improvement Agreement - Approval of an application to waive the requirement of Section 26-70(a) and permit the applicant to enter into a subdivision improvement agreement for Community of Christ Plat 2 as provided in Section 26-71(a).

Approved or denied by the Planning Commission

Staff recommendation: approval

Martin gave the staff report.

Discussion was held between commissioners and staff regarding the number of major subdivisions coming before the commission recently.

Kendall opened the item for public comment.

No one spoke in favor of the item.

No one spoke in opposition to the item.

Kendall closed the item for public comment.

Boyer made a motion to approve the item. Bucher seconded.

**VOTE: Quintana Planalp-yes, Tschannen-yes, Burtnett-yes, Bucher-yes, Doyle-yes, Knight – yes, Kendall-yes, Boyer-yes
Ayes – 8, Nays – 0, Abstain – 0 Motion approved.**

ITEM #3 Major Subdivision – A request for approval of a preliminary plat for a major commercial subdivision entitled Triumph Foods at 5302 Stockyards Expressway, as requested by Mark Campbell.

Major subdivisions are forwarded to the City Council.

Staff recommendation: approval

Martin gave the staff report.

Discussion was held between commissioners and staff regarding the item.

Kendall opened the item for public comment.

No one spoke in favor of the item.

No one spoke in opposition to the item.

Kendall closed the item for public comment.

Tschannen made a motion to approve the item. Doyle seconded.

**VOTE: Quintana Planalp-yes, Tschannen-yes, Burtnett-yes, Bucher-yes, Doyle-yes, Knight – yes, Kendall-yes, Boyer-yes
Ayes – 8, Nays – 0, Abstain – 0 Motion approved.**

ITEM #4 Authorization to enter into a Subdivision Improvement Agreement - Approval of an application to waive the requirement of Section 26-70(a) and permit the applicant to enter into a subdivision improvement agreement for Triumph Foods as provided in Section 26-71(a).

Approved or denied by the Planning Commission

Staff recommendation: approval

No discussion was held among commissioners.

Kendall opened the item for public comment.

No one spoke in favor of the item.

No one spoke in opposition to the item.

Kendall closed the item for public comment.

Quintana Planalp made a motion to approve the item. Knight seconded.

**VOTE: Quintana Planalp-yes, Tschannen-yes, Burtnett-yes, Bucher-yes, Doyle-yes, Knight – yes, Kendall-yes, Boyer-yes
Ayes – 8, Nays – 0, Abstain – 0 Motion approved.**

ITEM #5 Major Subdivision – A request for approval of a preliminary plat for a major commercial subdivision entitled Love’s 235 Subdivision at 4601 S Leonard, as requested by Herrold Willis, agent of Chipola Engineering Group on behalf of Love’s Travel Stop and Country Stores.

Major subdivisions are forwarded to the City Council.

Staff recommendation: approval

Martin gave the staff report.

Discussion was held between commissioners and staff regarding the item.

Kendall opened the item for public comment.

Herrold Willis-4420 Jackson, Marianna, FL-spoke in favor of the item.

No one spoke in opposition to the item.

Kendall closed the item for public comment.

Burtnett made a motion to approve the item. Bucher seconded.

**VOTE: Quintana Planalp-yes, Tschannen-yes, Burtnett-yes, Bucher-yes, Doyle-yes, Knight – yes, Kendall-yes, Boyer-yes
Ayes – 8, Nays – 0, Abstain – 0 Motion approved.**

ITEM #6 Authorization to enter into a Subdivision Improvement Agreement - Approval of an application to waive the requirement of Section 26-70(a) and permit the applicant to enter into a subdivision improvement agreement for Love’s 235 Subdivision as provided in Section 26-71(a).

Approved or denied by the Planning Commission

Staff recommendation: approval

Martin gave the staff report.

No discussion was held among commissioners.

Kendall opened the item for public comment.

No one spoke in opposition to the item.

Kendall closed the item for public comment.

Doyle made a motion to approve the item. Tschannen seconded.

**VOTE: Quintana Planalp-yes, Tschannen-yes, Burtnett-yes, Bucher-yes, Doyle-yes, Knight – yes, Kendall-yes, Boyer-yes
Ayes – 8, Nays – 0, Abstain – 0 Motion approved.**

ITEM #7 Zoning District Change – A request for approval of a change of zoning from M-1, Light Manufacturing District to C-3, Commercial District for the property located at 4601 S Leonard as requested by Harold Willis, agent of Chipola Engineering Group on behalf of Love’s Travel Stop and Country Stores.

Zoning District Changes move on to City Council

Staff recommendation: approval

Martin gave the staff report.

Discussion was held between commissioners and staff regarding the item.

Kendall opened the item for public comment.

No one spoke in favor of the item.

No one spoke in opposition to the item.

Kendall closed the item for public comment.

Burtnett made a motion to approve the item. Bucher seconded.

**VOTE: Quintana Planalp-yes, Tschannen-yes, Burtnett-yes, Bucher-yes, Doyle-yes, Knight – yes, Kendall-yes, Boyer-yes
Ayes – 8, Nays – 0, Abstain – 0 Motion approved.**

ITEM #8 Zoning District Change – A request for approval of a change of zoning from M-2, Heavy Manufacturing District to C-3, Commercial District for the property located at 1201 Garfield as requested by Andy Bowen

Zoning District Changes move on to City Council

Staff recommendation: approval

Martin gave the staff report.

Discussion was held between commissioners and staff regarding the item.

Kendall opened the item for public comment.

Andy Bowen-2206 Bateley - spoke in favor of the item.

No one spoke in opposition to the item.

Kendall closed the item for public comment.

Discussion was held between commissioners, applicant, and staff regarding the request.

Knight made a motion to approve the item. Boyer seconded.

VOTE: Quintana Planalp-yes, Tschannen-yes, Burtnett-yes, Bucher-yes, Doyle-yes, Knight – yes, Kendall-yes, Boyer-yes

Ayes – 8, Nays – 0, Abstain – 0 Motion approved.

ITEM #9 Zoning District Change – A request for approval of a change of zoning from C-1, Neighborhood Shopping District to M-1, Light Manufacturing District for the property located at 904 S 22nd Street as requested by Mike Spiking and Curtis Howard.

Zoning District Changes move on to City Council

Staff recommendation: applicant has withdrawn request

Request withdrawn by applicant prior to meeting.

Elo stated item appears on the agenda because it was continued from last month.

No discussion held on the item.

Kendall clarified item #10 is a request for a major subdivision and is largely an administrative function of the commission. Item # 11 is a Subdivision Improvement Agreement, also an administrative function of the commission. Item #12 is a Conditional Use Permit which is the appropriate portion for comments regarding the proposed use of the property.

ITEM #10 Major Subdivision – A request for approval of a preliminary plat for a major commercial subdivision entitled Tall Timber Subdivision at 3802 Karnes Road, as requested by Glen Klocke.

Major subdivisions are forwarded to the City Council.

Staff recommendation: approval with conditions

Martin gave the staff report.

Discussion was held between commissioners and staff regarding conditions placed on the item.

Kendall opened the item for public comment.

Glen Klocke, agent-5055 Hwy N, St Charles – spoke in favor of the item.

Jean Pawlowski—3301 Chris Hessler Road—spoke in opposition of the item.

Discussion was held regarding clarification of the item.

Discussion was held regarding conditions placed on the item.

Deborah Ballin – 3115 N 34th Terrace – spoke on the item.

Kendall clarified the item did not relate to zoning or use. Comments dealing with Zoning or Use should be made under Item 12.

Tim Zirkle—3221 Morton Lane—spoke in opposition of the item.

Martin clarified the term Subdivision as it relates to planning functions.

Kendall clarified the required procedures for consideration of major subdivisions.

Linda Hundley—3224 Morton Lane---spoke in opposition of the item.

Kendall advised problems regarding existing traffic/speeding issues should be brought to the attention of the police department.

George Elmer-3217 Morton Lane – spoke in opposition of the item.

Martin reminded those present the item is not a rezoning issue.

Kristen Tedder—3220 Morton Lane—spoke in opposition of the item.

Martin stated the item is not a zoning issue.

Kendall stated comments relating to Use and Zoning are appropriate during discussion of item #12.

Kendall closed the item for public comment.

Discussion was held between commissioners and staff regarding the item.

Quintana Planalp made a motion to add Preliminary Plat for Tall Timber Subdivision as an exhibit number to the current item.

Elo clarified it is already a part of the official record.

Martin clarified the updates made to the preliminary plat by the applicant.

Motion dies for lack of second.

Discussion was held between commissioners and staff regarding the item.

Quintana Planalp made a motion to add a condition to the preliminary plat stating no city street or road would be built in this subdivision that goes beyond the corner of Karnes Road and Chris Hessler.

Discussion was held between commissioners and staff regarding the motion.

Quintana Planalp clarified her motion that the building of a city street beyond Karnes and Chris Hessler would be extra costs to the city and is unnecessary.

Motion dies for lack of second.

Burnett made a motion to approve Item #10. Tschannen seconded.

**VOTE: Quintana Planalp-no, Tschannen-yes, Burnett-yes, Bucher-yes, Doyle-yes, Knight – yes, Kendall-yes, Boyer-yes
Ayes – 7, Nays – 1, Abstain – 0 Motion approved.**

ITEM #11 Authorization to enter into a Subdivision Improvement Agreement - Approval of an application to waive the requirement of Section 26-70(a) and permit the applicant to enter into a subdivision improvement agreement for Tall Timber Subdivision as provided in Section 26-71(a).

Approved or denied by the Planning Commission
Staff recommendation: approval

Martin gave the staff report.

Discussion was held between commissioners and staff regarding the item.

Kendall opened the item for public comment.

Glen Klocke, agent-5055 Hwy N, St Charles – spoke in favor of the item.

No one spoke in opposition to the item.

Kendall closed the item for public comment.

Burnett made a motion to approve Item #11. Tschannen seconded.

**VOTE: Quintana Planalp-no, Tschannen-yes, Burnett-yes, Bucher-yes, Doyle-yes, Knight – yes, Kendall-yes, Boyer-yes
Ayes – 7, Nays – 1, Abstain – 0 Motion approved.**

ITEM #12 Conditional Use Permit – A request for approval of a conditional use permit for the purpose of constructing a wireless communications facility per Sec. 31-306 (a) on the property located at 3802 Karnes Road, as requested by Glen Klocke on behalf of Network Real Estate LLC.

Conditional Use Permits are forwarded to the City Council.

Staff recommendation: approval with conditions

Martin gave the staff report.

A handout was given from staff to commissioners, Roger Sparks - representative from Missouri American Water and Glen Klocke – agent, Network Real Estate LLC., and Mike Chambers - representative from AT&T.

Quintana Planalp asked if the handout had been shared with other people.

Elo responded it has been provided to all commissioners and is now a part of the record.

Discussion was held between commissioners summarizing the previous meeting's discussion of the item.

Kendall informed those present the handout is a copy of an email sent from Quintana Planalp to Attorney Elo.

Elo confirmed.

Discussion was held between commissioners regarding the handout.

Kendall recessed the meeting at 7:05pm.

Meeting resumed at 7:11pm.

Kendall asked staff if the request for a Conditional Use Permit had gone before the Board of Zoning Adjustment.

Martin responded yes; the special exception was approved by the Board of Zoning Adjustment at their February 2021 meeting.

Doyle asked staff if any appeals were filed after the Board of Zoning Adjustment approved the exception.

Elo responded no appeals were filed. The time for filing an appeal has run out.

Discussion was held on the difference between what the Board of Zoning Adjustment decided on and what the Planning Commission is being asked to decide.

Martin responded the special exception request before the Board of Zoning Adjustment was to allow construction of a cell tower in a residential area. The Conditional Use Permit request before the Planning commission is the process the request must go through because it is not a permitted use within a residential district.

Elo confirmed the explanation by Martin. The construction of a telecommunications tower is not a permitted use in a residential area. The Board of Zoning Adjustment granted approval. Now, it is the Planning Commission's function to recommend approval or denial of the placement of the telecommunications tower.

Kendall reminded those present the issue before the Planning Commission is not a request for rezoning. The zoning will remain residential.

Discussion was held between commissioners and staff regarding the item.

Kendall opened the item for public comment.

Glen Klocke, agent-5055 Hwy N, St Charles – spoke in favor of the item.

Discussions were held among commissioners and Klocke regarding the item.

Mike Chambers, representative of AT&T—320 N 10th---spoke in favor of the item.

Discussions were held among commissioners and Chambers regarding the item.

Jean Pawlowski—3301 Chris Hessler Road—spoke in opposition of the item.

Discussion was held regarding clarification of the item.

John Sager---17931 Hwy 71---spoke in opposition of the item.

Discussion was held regarding clarification of the item.

Mike Cazel—3010 N 39th Terrace—spoke in opposition of the item.

Deborah Ballin – 3115 N 34th Terrace – spoke in opposition of the item.

Elo clarified for those present, State and Federal regulations gives the City a limited time to act. Failure to act could result in default approval of the request. Elo also stated government ownership of utilities is prohibited.

Everet Hoffman-3408 Chris Hessler Road – spoke in opposition of the item.

Larry Werthmuller—3102 N 39th Terrace—spoke in opposition of the item.

Nathan Hunt—3108 N 39th Terrace—spoke in opposition of the item.

Jayne Katakis—3223 Morton Lane—spoke in opposition of the item.

Katakis responded to question posed by Kendall.

Chad Katakis—3223 Morton Lane—spoke in opposition of the item.

Kristen Tedder—3220 Morton Lane—spoke in opposition of the item.

Discussion was held regarding clarification of the item.

Cynthia Brown—3227 Morton Lane---spoke in opposition of the item.

Katakis responded to question posed by Quintana Planalp.

Discussion was held regarding the request.

Cody Holt—3306 Chris Hessler Road---spoke in opposition of the item.

Discussion was held regarding clarification of the item.

Linda Hundley—3224 Morton Lane---spoke in opposition of the item.

Elo stated again to those present that the Commission, because of State and Federal law are prohibited from considering health reasons in rendering their decision on this issue.

Teresa Parks – 205 Fulkerson -spoke in opposition of the item.

Baoqiang Yan – 3218 Morton Lane – spoke in opposition of the item.

Deborah Ballin – 3115 N 34th Terrace – spoke a second time in opposition of the item.

Mike Cazel—3010 N 39th Terrace—spoke a second time in opposition of the item.

Jean Pawlowski—3301 Chris Hessler Road—spoke a second time in opposition of the item.

John Sager---17931 Hwy 71---spoke a second time in opposition of the item.

Kendall closed the item for public comment.

Roger Sparks, representative from Missouri American Water – 3524 S Leonard — spoke regarding the request. Sparks confirmed the statements by Chambers regarding the reason for AT& T's request.

Glen Klocke, agent-5055 Hwy N, St Charles – spoke in favor of the item.

Discussion was held between commissioners, applicant, and staff regarding the request.

Mike Chambers, representative of AT&T—320 N 10th---spoke in favor of the item.

Discussion was held between commissioners, applicant, and staff regarding the request.

Kendal reminded those present the public portion of the meeting has been closed and advised against speaking from the gallery.

Burnett made a motion to vote for denial the request. Quintana Planalp seconded.

Commissioners questioned the meaning of a yes or no vote.

Elo advised Commissioners the way the motion was stated creates confusion. Elo stated he could not undo a motion and a second however, he would recommend the withdraw of the second allowing the motion to be withdrawn in order to have a motion made in a less confusing manner.

Quintana Planalp withdrew the second.

Burnett withdrew the motion.

Quintana Planalp made a motion that Item #12 Conditional Use Permit be approved. Tschannen seconded.

**VOTE: Quintana Planalp-no, Tschannen-yes, Burtnett-no, Bucher-yes, Doyle-yes, Knight – no, Kendall-yes, Boyer-yes
Ayes – 5, Nays – 3, Abstain – 0 Motion approved.**

Martin gave a preview of items of June's agenda.

The meeting adjourned at 9:46 pm.

Minutes respectfully submitted,

Rebecca Shipp

cc: Paula Heyde, City Clerk
Planning Commission Members
Bryan Carter, City Manager
Clint Thompson, Planning & CD Director
Ted Elo, Assistant City Attorney
Brady McKinley, Public Works Assistant Director
Mark Townsend, Technology Associate Director