

PLANNING AND ZONING COMMISSION
MINUTES OF MEETING

August 17, 2010

6:03 p.m.

Item 1. Roll Call.

PRESENT: Gene Deckard, Bruce Collins, Jim Rice, Tim Glenn and Sam Hargrove

STAFF PRESENT: Planning & Zoning Director Nick Pappas; Building Official Larry Murry;
Secretary Kathy Twitchell

ABSENT: Ambrose Buckman and Brent McElwee

Visitors: Editor Standard Newspaper, Eric Copeland; DEP, Keith Winge and Ginger Nelson; Historic Preservation, Betty Bissell, Nile Brown, Jim Bowman and Councilman Jim Nelson

Item 2. Approval of Minutes.

MINUTES APPROVED: Commissioner Rice motioned to approve the July 7, 2010 minutes. Commissioner Collins seconded. Commissioner Glenn and Commissioner Hargrove abstained. The motion carried.

Item 3. SU-10-003 1291 S. Marietta

Larry Fultz, Deffenbaugh Industries, Inc. requested to withdraw the special use request.

Item 3. SU-10-004 111 Ash Street

Nick Pappas gave the staff report. Mr. Anderson is requesting a special use permit to locate a residential facility for “at-risk teenage girls. Based on the City of Excelsior Springs’ Zoning Code, Section 400.230 (F) (8), this use may be located in any zoning district in the City with a special use permit:

17. Hospitals, residential or outpatient facilities for the treatment of alcohol and other drug abuse, penal or correctional institutions; veterinary clinics.

Further, Section 400.230, Subsection D of the City Code-Standards for a Special Use Permit-gives four stipulations for the granting of a special use permit:

The use must be deemed necessary for the public convenience at that location;
The use is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;
The use will not cause substantial injury to the value of other property in the neighborhood in which it is located; and
The use will comply with the height and area regulations of the district in which it is located unless specifically granted otherwise.

The applicant was advised of these requirements as it is written on the signed Special Use Permit application, and was urged to be prepared to demonstrate that these findings can be made.

Finding 1: Public Convenience

The City has several existing facilities for troubled youth. Even if there was a need for this additional treatment facility, the location raises doubts with respect to the convenience of the general public. The property is located in a vast residential district that already has problems with accessibility due to the steep topography in the area. Additional traffic in this area would place a burden on the already stressed roadways, not to mention accessibility issues with regard to the fire department. In addition, there is insufficient water pressure in the area. The current water line has a diameter of only six inches, which was deemed too small by the Fire Chief to continue providing the current level of service to residents while also providing for the proposed treatment facility. If granted a Special use permit, water lines in the area will need to be replaced to meet the increased demand.

Finding 2: Public Health, Safety, and Welfare

The application does not mention the number of potential residents at this facility. As such, it is difficult to determine if the health, safety, and welfare will be protected for those that use the treatment program. Additionally, if the facility will house a substantial number of residents, a sprinkler system may be required. In order for this to happen, again, the water lines in the area would need to be updated.

Finding 3: Property Value Impact

Due to the location of the property to other residential properties, neighboring property values have the potential to decrease. Consider, for example, that a

random selection of five residential properties next to the Job Corps center (i.e. within 200 feet) have an average value of \$49,180 while properties a half mile away but in the same functional area (“midtown residential” as the Comprehensive Plan refers to it) have an average value of \$56,540. Variables such as lot size, zoning classification, provision of utilities, and presence of a structure were all held constant to the highest degree possible.

Finding 4: Compliance with Height and Area Regulations

Since no expansion of the current structure is planned, the property meets all zoning requirements except for the parking lot, which will need to be fully paved/cemented and striped. Additional regulations as they pertain to building and fire codes will need to be met if the Special Use permit is granted and plans are submitted to the City.

Letters were sent to all property owners within 200 feet of the subject property (a total of 54), and five comments were received by the Planning & Zoning Department, all requesting that the Commission NOT approve the request. Issues raised include the facility’s potential effects on the Downtown, effects on property values, and the potential for increased crime in the area.

Commissioner Collins motioned to open the public hearing. Commissioner Hargrove seconded. The motion carried.

Ginger Nelson a business owner, resident and DEP member read a letter in opposition. No one was present to answer questions from Teen Challenge of Florida, Inc. Commissioner Rice expressed concern that approving this request was not in line with the master plan.

Commissioner Collins motioned to close the public hearing. Commissioner Glenn seconded. The motion carried.

Commissioner Collins motioned to deny the request. Commissioner Rice seconded. The motion carried.

Representatives from Teen Challenge of Florida arrived after the vote. Nick Pappas asked they would like to speak and which they did not.

Item 4. Comments of Visitors

There were no visitor comments.

Item 5. Comments of Commissioners

There were no comments.

Item 6. Adjourn

Commissioner Rice motioned to adjourn the meeting, Commissioner Collins seconded. Motion approved. Meeting adjourned at 6:35 p.m.

Kathy Twitchell, Secretary to the Commission

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