

Planning Commission Minutes
Regular Meeting – January 8th, 2015
Peculiar City Hall, Council Chambers @ 7:00pm

Present: Chairman Mr. Roger Dougherty, Mr. Tim Conway, Mr. Matt Hammack, Mayor Holly Stark, Mr. Gregory Vincent and City Planner Clifford McDonald

1. Chairman Dougherty called the meeting to order at 7:00 p.m.
2. Chairman Dougherty asked all to stand for the “Pledge of Allegiance”

3. Roll Call of Members:

Commissioner Antonides	Excused
Commissioner Conway	Aye
Commissioner Dougherty	Aye
Commissioner Hammack	Aye
Commissioner Mallinson	Excused
Mayor Stark	Aye
Commissioner Vincent	Aye

4. Consideration of the Minutes, December 11th, 2014. Mr. Dougherty asked if there were any corrections or additions to the minutes; none were presented. Chairman Dougherty asked for a Motion to accept the minutes as presented. Motion Made, Seconded & Passed (MMSP) (Mr. Hammack, 2nd by Mr. Conway) to accept the Minutes as presented.

5. Consideration of the Agenda: Agenda was reviewed; Mr. McDonald stated there were no changes or amendments to the Agenda. Motion Made, Seconded & Passed (MMSP) to accept the Agenda as presented. (Mayor Stark, 2nd by Mr. Vincent).

6. New Business:

A. REVIEW OF REZONING APPROVAL PROCEDURES.

Mr. McDonald discussed Section 400.2450: Review Criteria for Map Amendment which identifies items both the Planning Commission and Board of Aldermen use in considering a Zoning Map Amendment (Rezoning) application. The Ordinance lists five (5) criteria, which will be presented in a Staff Report to the Commission, which the decision to approve/disapprove will be based upon. Mr. McDonald stated a Public Hearing would be scheduled for the February 12th meeting to consider the Rezoning application on 325 & 355 W. 4th Street; no action is required at this time. The Review Criteria being presented is for the Commission's information and review prior to next month's Public Hearing.

7. Old Business: **DISCUSSION OF AMENDING LAND-DISTURBANCE PERMIT REQUIREMENTS.**

Mr. McDonald reviewed the Executive Summary Sheet with the Commission which outlined the approach for revising the City's Land-Disturbance Permit ordinance. In conducting the review of the existing ordinance and comparing it to other Cities ordinances, a thorough revision to Peculiar's City Code will entail five (5) different actions and amendments to tie everything together.

A. CHAPTER 425 EROSION AND SEDIMENT CONTROL.

Mr. McDonald reviewed the draft of Chapter 425 and pointed out two revisions made to the previous version. The first revision amended Section 425.010: Purpose/Intent to reflect the City of Peculiar and tie the chapter to the City's MS-4 (Municipal Separate Storm Sewer System) Permit. The second revision added Section 425.090: Penalties for Violations-Actions; this section was in a different part of the City of Olathe's chapter on Erosion and Sediment Control and needed to be added. Chairman Dougherty also mentioned that the Codes Enforcement Officer was added to different inspection and enforcement Sections of the Code; Mr. McDonald stated he was correct and that it was important to list him to support both inspection and enforcement efforts of the City Engineer.

B. CHAPTER 500 ARTICLE IV, LAND-DISTURBANCE PERMIT.

Mr. McDonald reviewed the draft of Chapter 500 Article IV, Land-Disturbance Permit which is based upon the permit requirements for the Cities of Lee's Summit and Raymore. Mr. McDonald said it was important to keep permit requirements in Chapter 500 for consistency. The draft permit ordinance ties to Chapter 425 Erosion and Sediment Control and clearly lists submittal requirements. Mr. McDonald also reviewed permit "exceptions" and added "reestablishment of lawn areas;" he omitted both Quarry Operations and Landfill Operations as they are not pertinent nor planned for the City's near future.

C. SECTION 500.065, STANDARD SPECIFICATION AND DESIGN CRITERIA (APWA).

Mr. McDonald presented the draft of Section 500.065 for the Commission's information. This Chapter is outside of the Commission's responsibility, however adopting the Kansas City APWA Chapter design and specification criteria is very important to the success of these amendment actions. The City adopted the 2004 APWA documents, however several new criteria have been published (such as Erosion and Sediment Control, 9/2010 and Storm Drainage BMP Manual, 12/2012) which were not included in that ordinance. Mr. McDonald briefed the Commission that the Board of Aldermen cannot "delegate" their authority to another entity (such as APWA, or NEC (National Electric Code) to adopt codes/criteria for the City of Peculiar. Thus whenever new Building Codes or criteria are published the Board must formally adopt them to be legally binding.

D. AMENDMENTS TO VARIOUS SECTIONS OF CHAPTER 400 TO REFLECT CHANGES..

Mr. McDonald reviewed the change list of references within Chapter 400 which will need amending to accurately reference the changes in Chapter 500, Article IV, Land-Disturbance Permit and also the new Chapter 425: Erosion and Sediment Control. In his initial review, Mr. McDonald is confident that 95% of the references are identified, and not everything needs changed.

E. AMENDMENTS TO COMPREHENSIVE FEE SCHEDULE.

Mr. McDonald discussed amendments to the City's Comprehensive Fee Schedule, which the Board of Aldermen will have to approve, but was being presented as another piece of the puzzle. Mr. McDonald reviewed the City of Belton's Fee Schedule, and discussed setting a Land Disturbance Permit Fee at \$300.00. Discussion ensued between Mr. McDonald, Mayor Stark and Commissioner Conway regarding the amount being adequate to cover City costs, the concern that other Cities do not charge for a permit (utilizing other utility/building permit fees) and also not wanting to "deter" construction within the City. Although \$300.00 is not an excessive amount, the fact it may be construed as an additional fee would not benefit the City. Mr. Conway suggested that a Land-Disturbance Permit Fee be instituted if no other construction permits were issued.

Chairman Dougherty asked if there was any Public Comment. Carrie Robinson questioned the Erosion & Sediment Control requirements for something under 2,000 Square Feet as being needed. Mr. McDonald stated that Chapter 425 is written to pertain to "all" land disturbance activity, regardless of whether a permit is required. Carrie also spoke of ensuring inspectors and/or engineers are qualified to perform erosion control inspections. Lastly, her concern about addressing changes in the field during construction was addressed in the draft ordinance which authorizes the City Engineer to approve amendments to approved plans to address field modifications. Speaking from experience she said this is very important for both the City and developers.

8. Commissioner's Comments: None were presented.

9. Next Meeting Date: Scheduled for Thursday, February 12th, 2015.

10. There was no further business; Chairman Dougherty called for a motion to adjourn. Mayor Stark motioned to adjourn, seconded by Commissioner Conway, MMSP; Meeting adjourned at 8:00 pm. Minutes were taken and prepared by Mr. Clifford McDonald, City Planner.