

**REGULAR PLANNING COMMISSION MEETING  
CITY OF MERRIAM, KANSAS  
9001 W. 62<sup>nd</sup> St.  
COUNCIL CHAMBERS  
MINUTES**

**February 1, 2017  
7:00 P.M.**

The Regular Planning Commission meeting for the City of Merriam, Kansas was called to order at 7:00 p.m. by Chairman Carol Whitlock on Wednesday, February 1, 2017 in the Council Chambers with the Chairman inviting everyone present to participate in the Pledge of Allegiance to the Flag.

**I. ROLL CALL**

Members Present: Bill Bailey  
Reuben Cozmyer  
Judy Devere  
Mitchell Fowler  
Secretary Russ Harmon  
Vice Chairman Leah Ann McCormick  
Chairman Carol Whitlock

Members Absent: Bill Carter  
Brian Dailey

Also Present: Bryan Dyer, Community Development Director; Nancy Yoakum, Recording Secretary.

**II. APPROVAL OF MINUTES OF NOVEMBER 2, 2016 AND JANUARY 4, 2017.**

Chairman Carol Whitlock stated that the Planning Commission members had received a copy of the November 2, 2016 meeting minutes and asked if there were any corrections or additions.

Hearing no comments, Chairman Carol Whitlock entertained a motion.

**BILL BAILEY MOVED THAT THE MINUTES OF THE PLANNING COMMISSION MEETING OF NOVEMBER 2, 2016 BE APPROVED. MITCHELL FOWLER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.**

Chairman Carol Whitlock stated that the Planning Commission members had received a copy of the January 4, 2017 meeting minutes and asked if there were any corrections or additions.

Hearing no comments, Chairman Carol Whitlock entertained a motion.

**BILL BAILEY MOVED THAT THE MINUTES OF THE PLANNING COMMISSION MEETING OF JANUARY 4, 2017 BE APPROVED. LEAH ANN MCCORMICK SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.**

### III. ITEMS OF BUSINESS

#### 1. SUP-1-12 Special Use Permit (renewal) for 7040 and 7044 Antioch Road in an R-1 (Single Family Residential) District.

Chairman Carol Whitlock presented to the Planning Commission application SUP-1-12 a Special Use Permit for property located at 7040 and 7044 Antioch Road in an R-1 (Single Family Residential) District.

Community Development Director Bryan Dyer stated the application is for a renewal of a special use permit to operate a Group Boarding Home for minors. Mr. Dyer stated that per Merriam Code, special use permits for group boarding homes may be issued for a maximum of five (5) years. The renewal of the special use permit must follow the same process as the initial permit approval.

Mr. Dyer reviewed the location and stated that the property is zoned R-1 (Single Family Residential). The property is on approximately one (1) acre.

Mr. Dyer stated that the House of Hope was previously occupied by Safehome, which was a domestic violence shelter from 1986 to 2006. When Safehome relocated to another municipality, House of Hope obtained a special use permit in 2006, which was approved by the Planning Commission and City Council. Mr. Dyer stated since that time House of Hope has been back for a number of revisions, most recently in 2012 to construct a new a residence at 7040 Antioch Road.

Mr. Dyer stated that House of Hope is a group boarding home that serves as a residential care facility for minors, ages 12 to 17 for girls and is also considered a low-level facility by the State of Kansas. There is also outpatient-counseling onsite, which typically last one hour.

Mr. Dyer stated that this a public hearing and residents were sent notices in regards to the meeting, and he did not receive any complaints from the neighboring residents. Mr. Dyer stated that the House of Hope has also been holding their bi-annual meetings with neighbors. House of Hope has also provided staff with the State of Kansas licensing and permit documentation.

Mr. Dyer stated the renewal process is the exact same process as the initial process for a special use permit, so they golden factors are taken into consideration and are included in the staff report.

Mr. Dyer reviewed the site plan in detail pointing out the location of the house and of the second carriage style building that is used as a classroom. The house to the north is the second home built in 2012. The house fit is nicely with the surrounding neighborhood.

Mr. Dyer stated there are a number of stipulations within the staff report and they are the same stipulations that were on the previous submissions approvals.

Mr. Dyer stated he would answer any questions of the Planning Commissioners, and that the applicant was also present.

Chairman Carol Whitlock inquired if the Planning Commissioners had any questions for Mr. Dyer.

Commissioner Leah Ann McCormick stated that she just wanted to thank the House of Hope for all the work they have done at the location and it presents very well and should be a source of pride for residents that live near the facility.

Leslie Alford, Acting Director of House of Hope introduced herself and welcomed the Planning Commission to come visit any time. Ms. Alford stated they are very fortunate to have such a peaceful place. Ms. Alford stated that there is a lot of success with the families and they appreciate being in a safe neighborhood for the girls.

Chairman Carol Whitlock open the public hearing. Hearing no comments, she closed the public hearing and entertained a discussion or motion.

**BILL BAILEY MOVED THAT THE PLANNING COMMISSION FORWARD A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR APPLICATION SUP-1-12, FOR A SPECIAL USE PERMIT-RENEWAL AT 7040 AND 7044 ANTIOCH ROAD WITH THE CONDITIONS LISTED IN THE STAFF REPORT. MITCHELL FOWLER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.**

## **2. Text Amendments-Chapter 74 Zoning of the Code of Ordinances.**

Chairman Carol Whitlock presented the draft ordinance for various amendments to Chapter 74-Zoning of the Merriam Code and stated that an updated version was on the dais of each Planning Commissioner.

Community Development Director Bryan Dyer stated that staff put together a memo and ordinance. The city attorney had a few comments after the planning commission packets were mailed out. Based on the Attorney's comments staff revised the ordinance, staff memo, and placed the revised documents on the dais in front of the commissioners.

Mr. Dyer stated that since the documents were reviewed in detail at the January 4, 2017 Planning Commission he would briefly recap. The changes are as follows:

- Section 74-43 to add a lesser change table to the Merriam Zoning Code.
- Section 74-87 adds a one (1) year expiration date to a site development plan, with the opportunity for the applicant to request a 6-month extension.
- Section 74-94 (a) allows eaves and soffits to project into the setbacks.
- Section 74 (d) (2) changing fencing in the front yard from 42 inches to 48 inches to match with industry standards.
- Section 74-97 clarifies that the only septic tanks that will be permitted are to replace an existing septic tank.
- Section 74-422 (1) clarifies the number and type of structures that are allowed.
- Section 74-422 (2) allows residents to have a larger garage for lots larger than 10,000 sq. ft.

- Section 74-424 states that residents cannot have a larger accessory structure that the principle structure. The accessory must be similar in design, color and materials. The structure is also not allowed to be retrofitted into a habitable space.
- Section 74-473 is eliminating the references to application fee for Home Offices. Fees can be found in the fee schedule maintained by the City Clerk.
- Section 74-535 (e) (2) allows the use of permeable pavers or concrete for excess commercial parking.
- Section 74-535 (f) (8) allows the installation of ribbon drives for single-family and two-family dwellings.
- Section 74-705 reduces the minimum lot size for a Planned Unit Development zoning to 10,000 square feet.
- Section 74-709 removes the requirement that final development plan be filed with the register of deeds.

Mr. Dyer stated he would answer any questions of the Planning Commissioners.

Chairman Carol Whitlock inquired if any of the Planning Commissioners had any comment or discussion. Hearing none, she opened the public hearing asked if there were any questions from the audience. Hearing none she closed the public hearing and asked for a discussion or motion.

**RUSS HARMON MOVED THAT THE PLANNING COMMISSION FORWARD A RECOMMENDATION OF APPROVAL FOR TEXT AMENDMENTS IN CHAPTER 74 ZONING OF THE CODE OF ORDINANCES TO THE CITY COUNCIL. LEAH ANN MCCORMICK SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.**

#### **IV. BUSINESS FROM THE FLOOR**

Community Development Director Bryan Dyer provided the following updates:

- The Merriam Police Department is undergoing design drawings, and there will be a submission for a building permit.
- The SMSD Plat for 6445 Carter Ave. approved last month, was approved by the City Council. SMSD also submitted a site development plan.
- The new owners of K-mart have not contacted city hall with any plans at this time.
- Pegah's is opening in the old I-Hop location.
- Winstead's has closed. The owner of the K-Mart property bought the property.

- The Comprehensive Plan for 2020 will be on the next month's agenda for general discussion.

**V. UNFINISHED BUSINESS**

None

**VI. OLD BUSINESS**

None

**VII. ADJOURNMENT**

With no further business for discussion, Chairman Carol Whitlock asked for a motion for adjournment.

**BILL BAILEY MOVED FOR ADJOURNMENT.** The meeting was adjourned at 7:30p.m.

**Respectfully Submitted,**

**Nancy Yoakum  
Recording Secretary**

Approved: March 1, 2017