

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

**August 2, 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, August 2, 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
Brian Dailey
Judy Devereay
Mitchell Fowler
Secretary Russ Harmon
Vice Chairman Leah Ann McCormick
Chairman Carol Whitlock

Members Absent: Bill Carter

Also Present: Bryan Dyer, Community Development Director, John Hollis, City Planner and Nancy Yoakum, Recording Secretary.

II. APPROVAL OF MINUTES OF JULY 5, 2017

Chairman Carol Whitlock stated that the Planning Commission members had received a copy of the July 5, 2017 meeting minutes and asked if there were any corrections or additions.

Hearing no comments, Chairman Carol Whitlock entertained a motion.

MITCHELL FOWLER MOVED THAT THE MINUTES OF THE PLANNING COMMISSION MEETING OF JULY 5, 2017 BE APPROVED. BILL BAILEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

III. ITEMS OF BUSINESS

- 1. CUP17-000004 Conditional Use for a Group Day Care Home at 8006 W. 60th Terr. in an R-1 (Single Family Residential) District.**

Chairman Carol Whitlock presented to the Planning Commission application CUP17-000004 a Conditional Use permit for a Group Day Care Home for property located at 8006 W. 60th Terr. in an R-1 (Single Family Residential) District.

Community Development Director Bryan Dyer stated the applicant was not present for the meeting and inquired with the Planning Commission if they wanted to hear the item or would prefer to table the item to next month's meeting with the applicant present.

BILL BAILEY MOVED THAT APPLICATION CUP17-000004 BE TABLED TO THE SEPTEMBER PLANNING COMMISSION MEETING.

The motion was not completed because at 7:05p.m. the applicant arrived to the meeting and Commissioner Bill Bailey resented his motion before it had been seconded and approved.

Chairman Carol Whitlock presented to the Planning Commission application CUP17-000004 a Conditional Use permit for a Group Day Care Home for property located at 8006 W. 60th Terr. In an R-1 (Single Family Residential) District.

Mr. Dyer stated the application is for a Group Day Care home in a single-family residence. Mr. Dyer stated if the applicant is approved for this use, it would allow her to care for a maximum of 10 children, which would include her own. Mr. Dyer stated this application is different from a Day Care Home. Mr. Dyer stated Group Day Cares require action by the Planning Commission and City Council.

Mr. Dyer reviewed the site location and surrounding area.

Mr. Dyer stated that a Group Day Care Home could only be in a single-family residence and only be conducted and operated by the individuals who are the primary residents of the home. Mr. Dyer stated that the state does allow substitutes to help infrequently if they are approved by the state. Mr. Dyer stated that the applicant provided a site plan demonstrating that her home meets the city's requirements for fencing. Mr. Dyer stated that the applicant is required to submit to all annual inspections required by the City Fire Marshall.

Mr. Dyer stated that the applicant sent the required notification to all residents within 200 feet of her house and at the time the staff reports were prepared there were no public comments regarding the application. Mr. Dyer stated he received a call from a resident who inquired about the hours of operation and voiced concerns about the applicant owning a dog who escaped from the applicant's yard. Mr. Dyer stated that staff talked to Johnson County, who does inspections on behalf of the state, and the county stated they would assess and review any family pets.

Mr. Dyer stated there are a number of conditions the applicant would be required to meet such as state licensing, and those documents need to be provided to staff before the issuance of the city business license.

Mr. Dyer stated that a similar use was approved in 2008, near 47th Terrace, which is still in business, and staff has received no complaints.

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

Chairman Carol Whitlock inquired if there were any questions for Mr. Dyer.

Commissioner Leah Ann McCormick inquired if the Commissioners could have a general discussion of what responsibilities fall under the city versus the county and state for the licensing of day cares.

Mr. Dyer stated that the city ordinances have three (3) areas of criteria. The day care must be in a single-family residential district, and only the people who live in the residence can operate the day care. Mr. Dyer stated the other city requirement is that the recreational area must be fenced. Mr. Dyer stated the final requirement is that the applicant comply with all inspections required by the City Fire Marshall.

Commissioner Leah Ann McCormick inquired if the adult/child ratio was determined by the county and state.

Mr. Dyer stated that was correct.

Commissioner Leah Ann McCormick stated that the traffic might be a concern if the applicant had a maximum of 10 children. Commissioner Leah Ann McCormick inquired if that was under the city's responsibility.

Mr. Dyer stated it would be under city review if a problem were to arise. Mr. Dyer stated the house is on a corner, so there are two public streets, and two parking spaces on the property and additional parking space on Hardy St.

Commissioner Leah Ann McCormick inquired if the neighbors voice a concern about the parking in the future they could contact the city to voice those concerns.

Mr. Dyer stated that was correct. Mr. Dyer stated any complaints or concerns from the neighbors would be monitored and addressed.

Chairman Carol Whitlock inquired if there were any other questions from the Commissioners.

Commissioner Bill Bailey inquired about condition number four (4) on the staff report if the inspections are performed by the county or the state.

Mr. Dyer stated that the county does the inspections on behalf of the state, but the state is the authority that issues the license. Mr. Dyer stated that the condition could be modified if the commissioners desired.

Commissioner Bill Bailey inquired how many letters were mailed out on the 200ft. buffer list to the neighbors.

Mr. Dyer stated 26.

Chairman Carol Whitlock inquired if there were any additional questions of Mr. Dyer. Hearing none, she invited the applicant to come forward.

Yelitza Slate, 8006 W. 60th Terr., introduced herself to the Planning Commission.

Chairman Carol Whitlock inquired what the hours of operation would be.

Ms. Slate stated they were considering 7:30a.m. to 5:30 p.m.

Chairman Carol Whitlock stated that the hours would be documented and the applicant would be accountable for those hours.

Mr. Dyer stated that staff would suggest a half hour leeway in time from 7:00a.m. to 6:00p.m. Monday through Friday.

Chairman Carol Whitlock inquired how many children the applicant was anticipating watching.

Ms. Slate stated she will be having her mother assisting her and will have 8-10 children.

Chairman Carol Whitlock inquired if her mother lived in the home.

Ms. Slate stated that she does live in the home.

Chairman Whitlock inquired if there was any in the audience who wanted to speak. Hearing none, she entertained a discussion or motion.

Mr. Dyer stated that before a motion was made, he wanted to clarify the changes requested to condition number four (4), and also stated the hours of operation would be included in the conditions.

Commissioner Rueben Cozmeyer inquired what would occur if a parent were late picking up their child within the designated hours.

Mr. Dyer stated if there are complaints about the hours exceeding the established times, staff would investigate and have a discussion with the applicant.

RUSS HARMON MOVED THAT THE PLANNING COMMISSION FORWARD A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR APPLICATION CUP17-000004 FOR A GROUP DAY CARE HOME AT 8006 W. 60TH TERR. WITH THE CONDITIONS LISTED IN THE STAFF REPORT AND AMENDING CONDITION FOUR (4) TO READ "THE APPLICANT MUST MEET ALL COUNTY AND STATE REGULATORY REQUIREMENTS AND PROVIDE WRITTEN VERIFICATION TO THE CITY THAT SAID REQUIREMENTS HAVE BEEN MET. ALL LICENSING AND OTHER APPROPRIATE APPROVALS MUST REMAIN CURRENT. THE HOURS OF OPERATION SHALL BE 7AM TO 6PM MONDAY THROUGH FRIDAY". LEAH ANN MCCORMICK SECONDED THE MOTION. BILL BAILEY VOTED NAY. THE MOTION WAS APPROVED WITH SEVEN (7) AYES, AND ONE (1) NAY.

2. Z-8-04/PD8-0817 Preliminary Development Plan for Shawnee Mission Hyundai parking lot expansion at 7020 & 7050 W. Frontage Rd. in a PUD-G (Planned Unit Development General) District.

Chairman Carol Whitlock presented to the Planning Commission application Z-8-04/PD8-0817 for a preliminary development plan for property located at 7020 & 7050 W. Frontage Rd. in a PUD-G (Planned Unit Development-General) District.

Community Development Director Bryan Dyer stated the application is for a preliminary development plan for the Hyundai automobile dealership to combine the existing dealership with the undeveloped lot to the north to construct a 115,000 sq.ft. parking lot that will provide an additional 329 parking spaces.

Mr. Dyer reviewed the location and surrounding properties.

Mr. Dyer stated that the applicant is requesting to combine the two lots in the preliminary development plan and construct a parking lot for vehicle storage, customer parking and automobile displays.

Mr. Dyer stated that construction of the proposed lots is an appropriate use for the zoning classification of PUD-G (Planned Unit Development-General).

Mr. Dyer stated Group One is requesting to combine their two lots and construct a parking lot. Staff felt this was a significant enough deviation from the approved preliminary development plan that it needed to be presented to the Planning Commission.

Mr. Dyer stated that the applicant is requesting that staff be able to approve the final development plan if the preliminary development plan is approved.

Mr. Dyer stated that in 2005 a Storm Water Management Plan was approved for the Merriam Pointe site. Mr. Dyer stated that staff felt that this application was a significant change and asked the applicant to provide some additional storm water information and request a detention waiver. Mr. Dyer stated the 2005 study did say the facility should not have detention on site as any detention would exacerbate Turkey Creek flooding.

Mr. Dyer stated that the City Engineer has reviewed the plans and the City Engineer and staff have determined that granting the waiver will not cause or aggravate downstream flooding or over tax existing drainage infrastructure.

Mr. Dyer stated the applicant is proposing to use the existing curb cut along W. Frontage Rd. Mr. Dyer stated that one of the benefits of the additional parking is that it will allow for interior circulation of large delivery trucks and vehicles will not have to be unloaded on West Frontage Rd.

Mr. Dyer reviewed the site plan in detail.

Mr. Dyer stated the turning template meets the turning radius through the facility. Mr. Dyer stated that that applicant has added to the face of the preliminary development plan that there will be no unloading of automobiles in the right-of-way, which is a change from what currently occurs.

Mr. Dyer stated the landscaping plan shows adequate landscaping through the area with street trees and planting along the front and additional landscaping for both parking lots.

Mr. Dyer stated that the idea is to combine the areas into one preliminary development plan and the applicant indicated they would come back to Planning Commission with a revised plat that will combine the two lots, which is a condition of approval.

Mr. Dyer stated that staff finds the application in order for consideration of approval. Mr. Dyer stated he would answer any questions of the Planning Commissioners, and stated the applicant was also present.

Chairman Carol Whitlock inquired if there were any questions for Mr. Dyer. Hearing none, she asked the applicant to come forward.

Greg Murphy from the Construction Facilities Department at Group One Automotive, 800 Gessner, Houston, TX 77024.

Mr. Murphy provided a background history of Group One Automotive and stated Group One has three (3) automobile dealerships within the City of Merriam.

Mr. Murphy stated that the inventory parking lot project presented this evening arrives after much consideration. Mr. Murphy stated they wanted to bring another dealership to the property, but at

this time feel the best use would be to maximum their investment in the Hyundai store. Mr. Murphy stated the parking lot will increase sales by increased visibility, better vehicular circulation and a larger inventory selection.

Mr. Murphy stated they plan to be a fixture in Merriam for a long time and continue to grow their contribution to the employment and economic base in the fine City of Merriam.

Mr. Murphy thanked the Community Development staff for assisting them through the process, and stated that Graham Moore, Engineer with Group One was also present to answer any technical questions.

Chairman Carol Whitlock inquired if there were any questions for the applicant. Hearing none, she inquired if there were any public comments or questions, hearing none she entertained a discussion or motion.

MITCHELL FOWLER MOVED THAT THE PLANNING COMMISSION FORWARD A RECOMMENDATION OF APPROVAL WITH THE CONDITIONS LISTED IN THE STAFF REPORT TO THE CITY COUNCIL FOR APPLICATION Z-8-04/PD8-0817, FOR A PRELIMINARY DEVELOPMENT PLAN AT 7020 & 7050 W. FRONTAGE RD. JUDY DEVEREY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

3. Z-4-04/FP8-0817 Final Development Plan for B.E. Smith Family Center at 7415 W. Grandview St. and 9301 W. 73rd St.- ATC parking lot in a PUD-G (Planned Unit Development-General) District.

Chairman Carol Whitlock presented to the Planning Commission application Z-4-04/FP8-0817 for a Final Development Plan for property located at 7415 Grandview St. and 9301 W. 73rd St. in a PUD-G (Planned Unit Development-General) District.

Community Development Director Bryan Dyer reviewed the location and surrounding area.

Mr. Dyer stated the applicant is requesting to demolish the existing South Building Day Care facility and constructing the B.E. Smith Family Center in its place and replacing the existing Athletic Training Center (ATC) building with a parking lot.

Mr. Dyer stated the proposed B.E. Smith Family Center would be approximately 67,590 sq. ft. and the additional parking lot at the ATC will provide 93 parking spaces. The new B.E. Smith Family Center will be home to the new employee day care center and therapy pools for infant development care. Mr. Dyer stated the B.E. Smith Family Center would replace the existing Life Dynamics building located along 75th St.

Mr. Dyer stated that the hospital would demolish the Life Dynamics building in the next 3-5 years. After its removal, it will be turned into green space and additional parking for the hospital campus. Mr. Dyer stated this application goes along with the next agenda item for the Shawnee Mission Medical Center 4th plat and are connected together.

Mr. Dyer stated other changes that are included in this final development plan are small changes in regards to parking and green space.

Mr. Dyer reviewed the final development plan.

Mr. Dyer stated he would answer any question of the Planning Commissioners and that the applicant was present as well.

Chairman Carol Whitlock inquired if the Planning Commissioners had any questions for Mr. Dyer. Hearing none, she asked the applicant to come forward.

Greg Highbarger, Manager of Design and Construction for Shawnee Mission Medical Center, 9100 W. 74th St., Merriam, KS introduced himself to the Planning Commission.

Mr. Highbarger stated he appreciates the staff report and stated that the hospital is making a large investment to make this project possible. Mr. Highbarger stated they are on move number 11 of 18 different moves that need to happen in order to vacate the buildings to allow this new center to be constructed.

Mr. Highbarger stated that this project is possible 100% through community philanthropy. Mr. Highbarger stated there is not one capital dollar from Shawnee Mission Health or the Adventist Health System infused into the B.E. Smith Family Center. The hospital was a benefactor of a major gift from Doug Smith who named the center after his father B.E. Smith and the community at large. Mr. Highbarger stated they hospital is in the middle of a fundraising campaign and has 16 million of their 20 million dollar goal to make this project possible.

Mr. Highbarger stated that the Architect and Engineer are present as well if there are any technical questions.

Chairman Carol Whitlock inquired about the property lines on the final development plan.

Mr. Highbarger stated they have met with staff of a number of occasions and agree to all the conditions listed in the staff report.

Chairman Carol Whitlock inquired if there were any other questions, hearing none she entertained a discussion or motion.

BILL BAILEY MOVED THAT THE PLANNING COMMISSION APPROVE APPLICATION Z-4-04/FP8-0817 WITH THE CONDITIONS LISTED IN THE STAFF REPORT, FOR A FINAL DEVELOPMENT PLAN AT 7415 GRANDVIEW ST AND 9301 W. 73RD ST. LEAH ANN MCCORMICK SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

4. PA17-000004 Shawnee Mission Medical Center 4th Plat at 7415 Grandview St. in a PUD-G (Planned Unit Development-General) District.

Chairman Carol Whitlock presented to the Planning Commission application PA17-000004 for a Final Plat for property located at 7415 Grandview St. in a PUD-G (Planned Unit Development-General) District.

Community Development Director Bryan Dyer stated that this plat would combine the subject property with a medical office building property to the east.

Mr. Dyer stated that staff has requested that the west lot line be moved to the eastern boundary of the 50 foot access easement for Grandview Street. Mr. Dyer stated that the lot line currently runs through the playground area and does not grant access onto Grandview St.

Mr. Dyer stated he would answer any question of the Planning Commissioners and that the applicant is present as well.

Chairman Carol Whitlock inquired if the Planning Commissioners had any questions for Mr. Dyer. Hearing none, she entertained a discussion or motion.

BILL BAILEY MOVED THAT THE PLANNING COMMISSION FORWARD A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR APPLICATION PA17-000004 FOR A FINAL PLAT AT 7415 GRANDVIEW STREET WITH THE CONDITIONS LISTED IN THE STAFF REPORT. MITCHELL FOWLER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

IV. BUSINESS FROM THE FLOOR

- Freddy's Frozen Custard and Steak Burger submitted an application, but asked for a continuance while pursuing a different property within Merriam.
- City Council approved the Merriam Luxury Import preliminary development plan and plat.
- City Council approved the Audi preliminary development plan and plat.

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.

MITCHELL FOWLER MOVED FOR ADJOURNMENT. The meeting was adjourned at 7:55p.m.

Respectfully Submitted,

**Nancy B. Yoakum
Recording Secretary**

Approved: September 6, 2017