

PLANNING & ZONING COMMISSION MEETING MINUTES

November 14th, 2012

OPENING CEREMONIES AND PRESENTATIONS

I. CALL TO ORDER

Chairman Earl Abrahamson called the meeting to order at 7:15 AM.

II. ROLL CALL

PRESENT: Tracy Tooz, Scott Kovash, Gene Jackson, Jerry Krieg, Thomas Grimm, Jay Elkin, Earl Abrahamson, and Jason Hanson

ABSENT: None

STAFF: Ed Courton - City Planner, Shawn Soehren – City Engineer, and Matt Kolling - City Attorney, Steve Josephson- City/County Planner

STANDARD MOTIONS

REGULAR AGENDA

1. SPECIAL USE PERMIT - To consider a Special Use Permit to allow a group daycare facility in a residence zoned R1 and addressed as 79 30th Ave SW.

Betty Njos, the owner, is presenting this item. She has plans on renovating the home, and would like to have a 6-12 children Group Daycare. Commissioner Grimm asks what the hours of operation would be. She states they would be 7am to 5pm. Chairman Abrahamson asks if she would be willing to change the hours to 6:00pm, since most parents are working until 5:00, and wouldn't be able to make it until after that. Commissioner Tooz would like to see the hours changed to 7am-7pm and age 0-12. Mr. Abrahamson asks about special requirements for newborns. Ms. Njos said she would be able to take up to three (3) infants. Commissioner Krieg asks about the number of employees. She states that it would be her and one other employee. Mr. Josephson mentions the conditions of approval, and notes that the applicant has been cooperative with City staff and recommends approval. Ms. Njos questions if she could state that she would open at 6am if needed. The consensus is that would be fine. Mr. Krieg asked if she would like to change the request from ages 0-12. Ms. Njos said she would prefer not to take babies, because of the time it consumed by taking care of babies. She likes working with the older children. She is okay with changing the age to 0 for flexibility. She just prefers not to take babies. Abrahamson says they would like ages 0-12 but must meet State requirements. The wording will be 12 and UNDER.

The conditions will be amended and will include:

1. Children ages 12 and under.
2. Hours of operation will be 6am – 6pm

Chairman Abrahamson opens the hearing for public comment. No one is here to comment.

Motion: Gene Jackson

Second: Jason Hanson

Motion to approve the SUP request with the following conditions:

1. **The maximum number of children shall be limited to 12.**
2. **The age range of the children shall be 12 and under.**
3. **Hours of operation shall be 6:00 a.m. to 6:00 p.m. Monday through Friday.**
4. **Maximum number of employees shall be limited to two.**
5. **A minimum of five off-street parking spaces shall be provided. Parking spaces within the attached garage may be counted towards meeting the off-street parking requirements.**
6. **The SUP approval shall expire with any change of ownership. All subsequent owners of the property shall be required to reapply for SUP approval.**
7. **Operation of the Day Care Center shall comply with all applicable City, County, State and Federal requirements.**

Disposition: Motion carried unanimously

- 2** **REZONE REQUEST-** To consider a Rezone from R3 & CC to PUD generally described in the East ½ of Section 33, Township 140N, Range 96W.

Michael Marlow with Sawtooth Capital Building is presenting the project. He describes this as a mixed use commercial project, with five lots to rezone. He adds that they originally had a residential project in mind, but after speaking with the City Planner who suggested going with something else, they decided to do a mixed use. They are going with light commercial, restaurants, and live/work units (professional units downstairs, working units, and living upstairs). There will be a common area with shared parking. He adds that they are working on preleasing commitments starting now, and would like to break ground in spring of 2013.

Commissioner Jackson would like to know more about the project time frame. Mr. Marlow says they will break ground and move as quickly as possible if they get their preleasing. They will apply for the phased portion. Mr. Grimm asked if they are selling anything, and Marlow stated they will not be. They will be leasing all of it. Mr. Abrahamson questioned if a timeframe should be put on the starting date. Mr. Marlow says they are comfortable with 24 months and then hope to be able to apply for a 12 month extension. Mr. Josephson states that he would like to check on the PUD requirements regarding the timeframe. Mr. Jackson has the same concern, and would like to attach a timeframe. Mr. Elkin asked about phasing, and which portion they plan to start with. Mr. Marlow says the easiest thing for them to start with would be the pad for the restaurant since that is what people want the most, then light commercial, and finally the live/work building. Mr. Josephson refers to the municipal code, and states that if nothing has happened in one year's time the Planning and Zoning Commission can rezone the property. Mr. Abrahamson asks if there was a conflict in the time that was requested. Mr. Marlow stated that this is going to be a quality project so they would like 24 months to complete it. Mr. Elkin believes up to 36 months would be an appropriate timeframe. Mr. Abrahamson would like to see a start time and finish time. Mr. Krieg would like to see a timeframe of 24 months and then if they would like an extension they can come in for that.

Commissioner Jackson is concerned about a need for a right turn lane where Elks Drive enters 15th Street. Mr. Marlow states that the applicant owns both sides of the street so the street could be widened. Mr. Josephson states that he received comments back from different agencies and the conditions are based on those comments. Mr. Tooz recommends 24 months from the issuance of a building permit.

Chairman Abrahamson opens the hearing for public comment. No one is here for comment.

MOTION: Tracy Tooz

SECOND: Jay Elkin

Motion to approve the Rezone Request with the following conditions and an added condition of 24 months from the start of construction:

Staff recommends approval of the PUD application and recommends the following ten (1) conditions to be attached to the approving resolution:

1. **Prior to Final Approval of the PUD ("PUD"), the City shall approve the Planned Unit Development Plan described as part of Exhibit "A" attached.**
2. **The Planned Unit Development shall be in substantial conformance at all times with the file materials described as Exhibit "A".**
3. **Prior to Final Approval of the PUD, a traffic impact study shall be performed and accepted by the City.**
4. **All roads and road alignments shall be approved by the City Engineer.**
5. **The roadway surface on Elks Drive from 15th Street W to the edge of the project shall be repaved. The City Engineer shall determine the timing for the repaving of Elks Drive.**
6. **Prior to issuance of any building permits for structures on-site, the property owner shall record a re-plat or plat vacation. Prior to certificate of occupancy of any building, landscaping shall be installed along each roadway in accordance with the City's Landscape Ordinance as well as with the landscaping plan included in Exhibit "A".**
7. **A minimum sidewalk width of six foot shall be installed along each roadway within and around the perimeter of the property site.**
8. **No activity on site shall occur until a storm water management plan has been approved by the City.**
9. **Development of the PUD shall comply with all applicable City, County, State and Federal requirements.**

Disposition: Motion carried unanimously

Kovash points out that they will have a year to complete according to the PUD code. He also adds that they have chosen cash in lieu.

3. **PRELIMINARY PLAT**- To consider a Preliminary Plat for Oliver Commons generally described in the East ½ of Section 33, Township 140N, Range 96W.

Andrew Schrank with Highlands Engineering is presenting the Plat. He states they will be splitting Dakota Crossing into five lots. Mr. Josephson reads conditions aloud.

Chairman Abrahamson opens the hearing for public comment. No one is here to comment.

MOTION: Jerry Krieg

SECOND: Jason Hanson

Motion to approve the Preliminary Plat with the following conditions:

Staff recommends the following conditions be addressed at final plat approval.

1. **The final plat shall reflect the adopted Oliver Commons Planned Unit Development.**
2. **Prior to adoption of the final plat, the final subdivision agreement shall be written in accordance with the adopted Oliver Commons Planned Unit Development and shall be approved by the City after hearings before the Planning and Zoning Commission and the City Commission.**

Disposition: Motion carried unanimously

4. **ADJOURNMENT** – 8:10am

MOTION: Tracy Tooz

SECOND: Jay Elkin

Motion to adjourn.

DISPOSITION: Motion carried unanimously

Prepared by: Melissa Gjermundson

Approved by: Ed Courton