

**REGULAR PLANNING COMMISSION MEETING
CITY OF MERRIAM, KANSAS
9000 WEST 62ND TERRACE
COUNCIL CHAMBERS
MINUTES**

**January 6, 2010
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 Vice-Chairman Ellerman on Wednesday, January 6, 2010, in the Council Chambers with the Vice-Chairman inviting everyone present to participate in the Pledge of Allegiance to the Flag.

I. ROLL CALL

Members Present: Vice-Chairman Dan Ellerman
Secretary Todd Boyer
Buford Allen
Russ Harmon
Katrina Robertson
Julie Peterson

Members Absent: Chairman Carol Whitlock
Bill Carter

Also Present: Bryan Dyer, Community Development Director; and Judy Devereey, Recording Secretary

Judy Devereey, Community Development Administrative Assistant, administered the Oath of Office to Planning Commission members Todd Boyer and Katrina Robertson.

II. APPROVAL OF MINUTES OF DECEMBER 2, 2009

Vice-Chairman Ellerman stated that the Planning Commission members had received a copy of the December 2, 2009 meeting minutes and asked if there were any corrections or additions. Hearing no comments, he entertained a motion.

JULIE PETERSON MOVED THAT THE MINUTES OF THE PLANNING COMMISSION MEETING OF DECEMBER 2, 2009 BE APPROVED AS STATED. RUSS HARMON SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

III. ITEMS OF BUSINESS

- 1. Z-2-01/FP2-0110 – Final Development Plan Carmax Lot 3, Medical Office Building, Located at vicinity of 67th Street & I-35 in a PUD-G, Planned Unit Development-General, Zoning District**

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Vice-Chairman Ellerman presented to the Commission application Z-2-01/FP2-0110 an application for a final development plan Carmax Lot 3, Medical Office Building, located at vicinity of 67th Street & I-35 in a PUD-G, Planned Unit Development-General, zoning district.

Community Development Director Bryan Dyer stated that the applicant is requesting approval of a final development plan for the development of a medical office building on Lot 3 of the Carmax subdivision. The request includes the construction of a 20,000 sq. ft. office building.

Mr. Dyer said that in November of 2009, the Planning Commission reviewed and recommended to the Governing Body approval of a revised preliminary development plan. The Governing Body subsequently upheld the Planning Commission's recommendation and approved the preliminary development plan.

Mr. Dyer stated that the revisions to the final development plan include a comprehensive landscape plan that more than meets and satisfies city requirements for landscaping. He said that one other change to the plan was that previously there had been an outflow of storm drain collection system taking the roof drains as well as the drains off the parking lot and out flowed them toward a swale. The applicant has revised the plans with all of the out flow of the storm drains to go to the existing detention area to the west of the property.

Mr. Dyer stated that the property meets all of the requirements and would probably be setting a standard for architectural quality in this area. He said that staff recommends approval of the final development plan subject to the conditions as outlined in the staff report.

Vice-Chairman Ellerman asked for comments or questions. Hearing none, he entertained a motion.

KATRINA ROBERTSON MOVED THAT THE PLANNING COMMISSION APPROVE APPLICATION Z-2-01/FP2-0110 A REQUEST FOR A FINAL DEVELOPMENT PLAN FOR CARMAX LOT 3, MEDICAL OFFICE BUILDING, LOCATED AT VICINITY OF 67TH STREET AND I-35 IN A PUD-G, PLANNED UNIT DEVELOPMENT-GENERAL, ZONING DISTRICT SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant provide a copy of any proposed private covenants and restrictions;
2. The applicant must submit an executed drainage easement for common detention facilities;
3. The Final Development Plan should be revised:
 - a. To provide notation (on the lighting plan) that the property owner/tenant will work with the city regarding any lighting issues as a result of the project;
 - b. Notation that the proposed project will comply with all NPDES requirements;
 - c. Notation that the property owner agrees to provide private inspections of any private stormwater systems that are constructed as part of this project and provide that report to the city per the city's NPDES Stormwater Management Plan;
 - d. Notation that all sidewalks shall have truncated domes and ramps that comply with ADA provisions;
 - e. Notation that all mechanical/utility equipment shall be screened;
 - f. Notation that an erosion control plan will be submitted as part of the building permit application;
 - g. Revise sheet C-1 to state Zoning "PUD-G".

TODD BOYER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

2. Z-1-06/PD3-1209 – Change in Use and Revised Preliminary Development Plan – Timber Ridge Villas- Located at 67th Street and Wedd Street in a PUD-R, Planned Unit Development-Residential, Zoning District

Vice-Chairman Ellerman presented to the Commission application Z-1-06/PD3-1209 an application for a change in use and revised preliminary development plan Timber Ridge Villas, located at 67th Street and Wedd Street in a PUD-R, Planned Unit Development-Residential, zoning district.

Community Development Director Bryan Dyer stated that this has been an ongoing project with an original application submitted in 2004 and since that time there have been a number of applications for the property. He said the request is for the approval of a revised preliminary development plan to construct forty-one (41) detached single-family homes. This would require approving the increase in density. The current preliminary development plan called for thirty-three (33) lots to be developed with single-family residences.

Referring to the overhead view of the site, Mr. Dyer pointed out the proposed increase in density will add three (3) lots to the west side of the property, one (1) to the north side, two (2) to the east side and two (2) to the interior of the site. He said that while the density is increasing, the rear yard setbacks remain unchanged. Mr. Dyer said that the streets and infrastructure are in place on the site.

Mr. Dyer said this was a change in use to increase the density of the site. Because of the change in use, the Planning Commission should consider the Golden Factors. He said that the Golden Factors and staff comments had been included in the staff report.

Mr. Dyer stated that staff recommends approval of the revised preliminary development plan with conditions included in the staff report. He noted that the applicant had some concern with the first stipulation regarding the vinyl siding and they may wish to address this during their presentation.

Vice-Chairman Ellerman asked if there would be a curb cut at the cul-de-sac and emergency access area. Mr. Dyer replied there would not. He said there would be a hard surface either a sidewalk or a path to allow folks to get access to the sidewalk. The Fire Department may require minimal signage there so if another fire department from another city responds they will know that there is a mountable surface there.

Julie Peterson expressed her concern in the Kaw Valley Engineering comments which the engineer responded to that there is a statement from a P.E. that states the stormwater study does not need to be amended based on the addition of the eight (8) lots. She said the original study was based on rational "C" of .51 for single family detached housing and would still be applicable even with the addition of eight (8) lots. She commented that typically the rational coefficient of "C" .51 is for a ¼ acre lot and with the extra eight (8) lots; they are closer to 1/6 acre size lots. ¼ acre lots are about 35% impervious whereas, when she measured what the actual impervious was of the plan; it ended up with 43% impervious. In other words, there would be more runoff and her concern was that the storm sewer was not sized correctly.

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Pete Heaven, attorney representing the developer, 10851 Mastin Blvd., Overland Park, said that in 2004 the original plan was for duplexes and triplexes and he appeared before the Planning Commission in opposition to this project because he did not think this was the appropriate place for this type project. He said that ultimately the developer chose to go with single family detached units. This project is an owner occupied designed detached single family villa project which will be single family homes.

Mr. Heaven said approximately two million dollars has been spent for infrastructure that is in place at this point. Over the last two years the expenses and economic markets have changed. He said what they have determined is that the cost per lot at 33 lots in the development equal or exceed \$60,000 per lot and in this economic climate you can not build a structure that will sell with a \$60,000 lot in this type of complex. The target is \$40,000 per lot and economics are not necessarily a concern of the Planning Commission but they are a real concern for this development because unless they can get the additional eight lots the development simply can not go forward economically.

Mr. Heaven said they were asked at one of the neighborhood meetings what type of a profit they would be making on this project and he said he could say without any reservation that profit is not even part of this project anymore. It is merely a build out and recoup what costs have been already incurred for infrastructure and build a good quality product for Merriam.

Mr. Heaven said the price of the units will be about \$200,000 to \$240,000 and will include two bedroom units with basements, two baths and two car garages. He said at the final development plan they would be more into the elevations, landscaping and the siding, etc. Mr. Heaven noted that Mr. Dyer said they had reservation about one of the stipulations that has to do with vinyl siding. The stipulation is that not more than 50% of the unit can have vinyl siding and the reason they would like to hold that stipulation for the final development plan is that the current plan is to use masonry front elevations and various types of siding on the other three elevations. He said he thought that when the commissioners see what is planned; they would understand and agree that the plan would work very well although it is likely to exceed 50% siding if you look at the four sides of a dwelling.

Mr. Heaven said that during the two neighborhood meetings, the first one was held in City Hall and was well attended. There were lots of good comments from the neighbors in terms in concerns as well as constructive criticism. He said they went back to the drawing board and worked with the neighbors to address their concerns. There was a second neighborhood meeting and they were not invited to this but did provide data and drawings to assist the neighborhood in understanding what they planned to do. He said they understood that at the conclusion of the second neighborhood meeting a straw poll was taken and it was 18 to 2 in favor of the project so they hoped the neighbors understand they plan to build a nice quality project, be bringing good people into the city and creating a nice community within the community.

Mr. Heaven remarked that the cul-de-sac area is a little bit of a new feature that is being used more and more in the United States with stone pavers that appear to be grass but will let emergency vehicles in and out of an area. He said they are working with Chief Pape and could assure the Planning Commission that this design must meet with his approval and ensure full safety of the residents or they won't go forward with it. It is a somewhat new idea but should work well with this type of an odd configuration of property.

David Wood, Kaw Valley Engineering, 14700 W. 114th Ter., Lenexa, said he had received the email from Ms. Peterson regarding the stormwater noting that he appreciated the calculations and

looked at the runoff coefficient that she came up with. He said the storm sewers that were designed and analyzed as part of the project were studied all the way down to Turkey Creek because at the time they were trying to obtain a detention waiver based on proving capacity in the system and meeting the peak runoff down to Turkey Creek. Mr. Wood said that with the information readily available, they plugged in the new coefficient that Ms. Peterson had discussed earlier. He said that all of the system does have capacity to deal with the .51 run-off. Ms. Peterson said she had calculated .56 when she reviewed the plans. Mr. Wood said there was built in capacity in the system because the storm pipe is so steep and is not a concern of theirs. He said just for the commissioners sake, the reason the .51 is used as part of their original analysis is when they get started on the projects they don't have a good idea on the home size that will go on the individual lots so what they typically do is to use the APWA base value for residential subdivisions and that is how they came up with .51 but understood Ms. Peterson's concern and hope this explanation was address this. He added that they could provide those calculations to staff with the final development plan. Ms. Peterson said that was her main concern and she wanted to make sure that the run-off did not exceed what the system could handle.

Vice-Chairman Ellerman opened the public hearing and asked for comments or questions from the audience.

Brian Reed, 6512 Mastin, stated that he was opposed to the project and did not want to see 41 units constructed on the site noting that he was one of the two descending votes. Mr. Reed remarked that five years ago the developer wanted 33 houses and was approved; now they want more. Mr. Reed asked is this site was developed like Forest Park and West Vernon Place, how many homes would be in there.

Mr. Reed asked the commissioners why they thought the proposed development was OK. Vice-Chairman Ellerman stated that he could not speak for the rest of the commissioners but in his opinion, the Planning Commission had gone through this process since 2004 explaining each application process. He said although the density was still high but based on the quality of the architectural drawings and elevations provided to the commission, he felt it would be appropriate for that site and an improvement for that area. Mr. Dyer said that to answer Mr. Reed's question of if the site was built like Forest Park and West Vernon Place, assuming they would have to rebuild all the infrastructure there would be approximately 20 lots.

Bert Reed, 6607 Mastin, asked how the developer could sell all the houses on the site if the economy is so bad and he was opposed to the project.

John Sankey, 10121 W. 65th Dr., stated that this has been a struggle for a long time and the neighbor's main concern was multi-family units in the middle of a single family neighborhood. That was the reason for the opposition in the beginning. He said the developer came in with such a dense development to begin with that everybody got real concerned and finally ended up with the 33 units and now they have come back with 41 units and everybody was disappointed and they felt sort of betrayed because they had worked so hard to get the 33 units.

Mr. Sankey said in early December they held a neighborhood meeting. He said that he and Terry DaVolt organized a neighborhood meeting and put out 80+ flyers to houses in West Vernon Place plus the houses across the street to the south on 67th Street. He said that out of all those notices they had 20 people come to the neighborhood meeting that lasted for three hours. At the meeting the neighbors talked at great length about the project and the pros and cons; how they got to where it is now and the general consensus was 18 out the 20 people decided that the development should move forward with the 41 units. He said the thinking was that this is not what the

neighbors would like but they were afraid that bad things could happen down the road. This piece of land is going to get developed eventually and will not go away. He said if this developer fails, there will be another developer someday that will come along and the concern is everyone on staff and decision making positions will say that they tried single family and it didn't work so we better go multi-family because that is what the bank wanted. He said multi-family is what the bank would still like to have but the developer talked them into single family because he is convinced the single family is what he can sell in Johnson County. Mr. Sankey said the developer is also convinced that right now is a good time to develop and build because all of the subs are ready to go because they don't have work.

Mr. Sankey said that the market the developer is looking for is young people without families that would want to live in a small place, retired people, divorced people, elderly people and people that work at Shawnee Mission Medical Center that might want to live close by. It is a wonderful location and what the developer would like to do is to bring in an upscale development with small houses, single family, on small lots but nicely done, maintenance provided so that the homeowners association will be in place. The idea is that now is a good time to hit that market and what the developer would do is start with a couple of model homes and build as the lots are sold.

Mr. Sankey said that after the neighbors thought this all over, maybe this should be done, because if it is not, bad things could happen down the road. He said they were just lucky that they did not end up a federal taxed subsidized development on the site because there was an attempt to get that in there but they could not get their finances lined up. With all of this in mind, the consensus of the neighborhood meeting was that the development should move forward with the 41 units.

Vice-Chairman Ellerman asked Mr. Sankey if he was speaking for himself or the neighbors. Mr. Sankey replied that he was speaking on behalf of the group at the neighborhood meeting and there were 18 people for the project and 2 people in opposition. Everyone in the neighborhood had been notified of the meeting and 20 people attended.

Howard Teague, 9913 W. 65th Pl., stated that his property adjoins Lot 11 along the back side of the site and his concern is that during development of this project and the moving of the earth there was a very large mound created at the far end corner of the site. Water is running off the mound onto his property and he has lost 8 evergreen trees that were planted more than 20 years ago as a buffer and for privacy. Mr. Teague said he wanted to make this statement regarding his concern and hoped this issue would be addressed but he is ready for something to develop on the site that is right for the neighborhood and the city.

Vice-Chairman Ellerman asked Mr. Wood of Kaw Valley Engineering how they planned to address this issue. Mr. Wood answered that he was not personally aware of the problem with the drainage and the trees. This would have to be revisited to resolve the problem. Mr. Dyer said that along with Mr. Teague's comments, staff has had some concerns regarding the grading on the site and that is one of the stipulations is that the grading must be done to plan and revisit the grading plan before the final development comes through.

Todd Boyer asked about the comments regarding the retaining wall in the northeast corner. Mr. Dyer said there was also concern about the retaining wall being located on their property and done in accordance with the plan and verified.

Vice-Chairman Ellerman closed the public hearing and asked for additional comments or questions.

Buford Allen stated that he thought the drainage should be taken care of before the commission voted on it. Julie Peterson agreed with Mr. Allen that the erosion issue be addressed and see updated calculations for the drainage. Vice-Chairman Ellerman said the application before the commission is a revised preliminary development plan and the commissioners would have the opportunity to vote on the final plan and at that point and time it would be his suggestion if these things have not been addressed, then the commission does not approve the final plan and asked if that would be agreeable. Mr. Allen said that the developer could make a lot of promises and once the project is approved they would not have to do it. Vice-Chairman Ellerman pointed out that the final plan has not been approved and that is the time the commissioners need to make sure that all of the concerns have been addressed. Ms. Peterson said her concern with the stormwater and waiting to vote was because the stormwater issue has to do with the number of lots and increased density of the plan and wanted to see calculations before approving 41 lots.

Todd Boyer asked if the materials would be addressed at the final development plan. Mr. Dyer said that the developer was still putting together elevation drawings and plans for the project. They would be willing to address that more in depth at the final development plan. He said in regards to the drainage issue, it was the Planning Commission's prerogative but if they wanted to approve it with the stipulation and condition that the developer provides revised calculations. What that stipulation will do is the developer will have to revise the calculations and have to be reviewed by the City Engineer and she will have to agree with the calculations and then the preliminary development plan would be approved. There was discussion of options of recommending to the Governing Body denial of the application, approval based upon stipulations including drainage issues, or continuing the application to next month. Vice-Chairman Ellerman asked for a straw vote. Julie Peterson said she was OK with stipulating. Russ Harmon agreed with stipulating. Todd Boyer said he agreed with stipulating. Buford Allen said he wanted to make sure the developer carried this out because the city had projects like this before and at the end of the project the developer said they run out of money then the project is left undone.

Vice-Chairman Ellerman asked for any additional comments from the commissioners, hearing none, he entertained a motion.

RUSS HARMON MOVED THAT THE PLANNING COMMISSION FORWARD A RECOMMENDATION OF APPROVAL FOR APPLICATION Z-1-06/PD3-1209 A REQUEST FOR A CHANGE IN USE AND REVISED PRELIMINARY DEVELOPMENT PLAN FOR TIMBER RIDGE VILLAS LOCATED AT WEST 67TH STREET AND WEDD STREET IN A PUD-R, PLANNED UNIT DEVELOPMENT-RESIDENTIAL, ZONING DISTRICT SUBJECT TO THE FOLLOWING CONDITIONS:

1. Prior to building permits being issued, the applicant will provide third party verification by a licensed land surveyor that the northeast section of the retaining wall has been installed on the applicant's property;
2. Prior to any building permits being issued, the applicant must provide the city with third party verification by a licensed land surveyor stating that the grading of all drainage swales have been completed per plan;
3. Tract 'A' must meet Fire Department access requirements as determined by the Fire Chief;
4. Building elevations must be provided with the Final Development Plan;
5. The fence along the west side of the property must be decorative in nature and fence details must be provided with the Final Development Plan;

6. Revise the landscape plan to identify any dead or dying trees along north property and indicate their removal.
7. Provide stormwater calculations that demonstrate the existing storm sewer system has adequate capacity to handle an increase in stormwater that may be created by the increase in the number of homes and increase in impervious areas. The City Engineer shall review and if appropriate approve the revised calculations for impervious areas and corresponding run-off coefficient.

JULIE PETERSON SECONDED THE MOTION. THE PLANNING COMMISSION MEMBERS VOTED 4-2 TO FORWARD A RECOMMENDATION TO THE GOVERNING BODY FOR APPROVAL OF APPLICATION Z-2-01/FP2-0110 WITH BUFORD ALLEN AND KATRINA ROBERTSON CASTING THE DISSENTING VOTES.

3. P-2-09 – Revised Final Plat for Property Located at West 67TH Street and Wedd Street in a PUD-R, Planned Unit Development-Residential, Zoning District

Vice-Chairman Ellerman presented to the Commission application P-2-09 – revised final plat for property located at West 67th Street and Wedd Street in a PUD-R, Planned Unit Development-Residential, zoning district.

Community Development Director Bryan Dyer stated that the revised final plat goes along with the revision of the preliminary development plan and is related to the change in lots and fire department access.

Vice-Chairman Ellerman asked if there were questions or comments. Hearing none, he entertained a motion.

TODD BOYER MOVED THAT THE PLANNING COMMISSION FORWARD A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR THE ACCEPTANCE OF RIGHTS-OF-WAY AND EASEMENTS OF APPLICATION P-2-09 A REQUEST FOR APPROVAL OF A REVISED FINAL PLAT LOCATED AT WEST 67TH STREET AND WEDD STREET IN A PUD-R, PLANNED UNIT DEVELOPMENT-RESIDENTIAL, ZONING DISTRICT SUBJECT TO THE FOLLOWING CONDITION:

1. Tract ‘A’ must meet Fire Department access requirements as determined by the Fire Chief.

RUSS HARMON SECONDED THE MOTION. THE PLANNING COMMISSION MEMBERS VOTED 5-1 TO APPROVE APPLICATION P-2-09 WITH KATRINA ROBERTSON CASTING THE DISSENTING VOTE.

4. Z-4-04/FP6-0110 – Final Development Plan Shawnee Mission Medical Center, Women’s Center, Located at 9100 West 74th Street in a PUD-G, Planned Unit Development-General, Zoning District

Vice-Chairman Ellerman presented to the Commission application Z-4-04/FP6-0110 an application for a final development plan Shawnee Mission Medical Center, Women’s Center located at 9100 West 74th Street in a PUD-G, Planned Unit Development-General, zoning district.

Community Development Director Bryan Dyer stated that the final development plan is for an expansion for Women’s Care Center for the Shawnee Mission Medical Center. On the overhead Mr. Dyer pointed out the location of the newly completed expansion and the proposed location of

the new expansion. The proposed building will be a three story building with a footprint of approximately 23,000 sq. ft. for a total of 100,000 sq. ft. of which 75% is for office and 25% (25,000 sq. ft.) is going to be for a parking garage. He said the parking garage will have 69 spaces but since they will be building over an existing surface parking lot, there will be a net loss of about 106 spaces. The applicant has provided a revised parking plan to show that while they are losing spaces, they have enough spaces available currently to address the lost spaces. He said that additionally, the preliminary development plan that is in place shows an expansion of the additional parking garage further to the east of the Women's Center.

Mr. Dyer stated that in 2004 the Planning Commission and City Council approved a Preliminary Development Plan for the overall Shawnee Mission Medical Center campus. The approved preliminary development plan shows an expansion in the proposed location generally in the shape and size of the proposed Women's Center. The location, size and orientation of the proposed Women's Center is in conformance with the approved preliminary development plan.

Mr. Dyer said the renderings are very much in the same design of the current expansion. A large amount of glazing along the front with masonry work being the primary construction type of the building. There is signage shown on two facades that is consistent with the existing SMMC campus signage.

Mr. Dyer said that the landscape plan by far exceeds city requirements for landscaping and will be in conformance with the SMMC latest edition.

Mr. Dyer said that staff recommends approval based upon the stipulations listed in the staff report.

Vice-Chairman Ellerman asked for additional comments or questions. Hearing none, he entertained a motion.

Jack Wagner, Executive Vice-President & CFO of SMMC, 9100 W. 74th St., stated there has been quite a bit of retooling and refurbishment on the SMMC campus and they are pleased with the new look and the new tower. He said as they completed the Critical Care Tower for emergency and critical care services, they knew that their next major need and expansion would be their women's program. The women's program is a very vital and important part of SMMC service to the community. Their number of births is growing dramatically every year. This year there were in excess of 3700 births as compared to 3500 births last year. The existing facilities are undersized and the number of delivery rooms is full to capacity. The Neo-natal Intensive Care Unit is running in excess of capacity many times so they knew their next major need was to upgrade their facilities for both upgrading to meet the communities need and the service capacity was the women's program. Mr. Wagner said that SMMC appreciated the city's support of their previous projects and consideration of this plan.

Vice-Chairman Ellerman asked about the construction schedule for this project. Mr. Wagner said they are completing the design development phase and hope to get started late fall and looking at an 18-24 month construction. So somewhere toward the end of 2012, they hoped to have the facility completed.

Vice-Chairman Ellerman asked if the commissioners had questions for the applicant. Hearing none, he entertained a motion.

KATRINA ROBERTSON MOVED THAT THE PLANNING COMMISSION APPROVE APPLICATION Z-4-04/FP6-0110 A REQUEST FOR A FINAL DEVELOPMENT PLAN SHAWNEE MISSION MEDICAL CENTER, WOMEN'S CENTER, LOCATED AT 9100 WEST 74TH STREET IN A PUD-G, PLANNED UNIT DEVELOPMENT-GENERAL, ZONING DISTRICT SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Final Development Plan should be revised:
 - a) To provide notation of that landscape areas will be irrigated;
 - b) To provide notation (on the lighting plan) that the property owner/tenant will work with the city regarding any lighting issues as a result of the project;
 - c) Notation that the proposed project will comply with all NPDES requirements;
 - d) Notation with legal description;
 - e) Notation of current zoning;
 - f) Notation that the property owner agrees to provide private inspections of any private stormwater systems that are constructed as part of this project and provide that report to the city per the city's NPDES Stormwater Management Plan;
 - g) Notation that all sidewalks shall have truncated domes and ramps that comply with ADA provisions;
 - h) Notation that all mechanical/utility equipment shall be screened;
 - i) Notation that an erosion control plan will be submitted as part of the building permit application
 - j) Summary of building square footage broken down between parking and office area.

2. Revise plans to show location of temporary construction parking with note stating that after the completion of construction the temporary parking area will be returned to its prior condition by sodding.

3. Submittal of a material palette for staff approval prior to the issuance of a building permit;

JULIE PETERSON SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

5. Z-4-05 (0110) – Revised Sign Plan Country Hill Motors Located at 6639 East Frontage Road in a PUD-G, Planned Unit Development-General, Zoning District

Vice-Chairman Ellerman presented to the Commission application Z-4-05 (0110) an application for a revised sign plan for Country Hill Motors located at 6639 East Frontage Road in a PUD-G, Planned Unit Development-General, zoning district.

Bryan Dyer, Community Development Director, stated that the applicant is requesting to revise the existing sign scheme for Country Hill Motors. There was a stipulation in 2008 that was placed on the signage and since the site is in a PUD, the Planning Commission has the ability to review signage and set limitations or allow for expansion from the sign code. The request is to allow the applicant the ability to utilize colored 8-1/2 x 11 inch mirror hangers to advertise vehicle pricing. The currently approved sign scheme prohibits the use of colored tags permitting only white tags to be utilized.

Mr. Dyer said that additionally, the applicant is requesting that the sign scheme be modified to allow for vehicle pricing to be displayed on the vehicle windshield. The applicant has provided a

written statement outlining the request as well as photographs of signage utilized by other Merriam automobile dealerships that were included in the staff report.

John Zaslavsky, co-owner of Country Hill Motors, stated that they are requesting the colored mirror hanging tags and windshield numbers that are common in the auto industry and they are not asking for anything exceptional. Mr. Zaslavsky noted that the white hanging tags have to be special ordered from the print shop at 3 times the cost. Mr. Zaslavsky referred to the color photographs in the staff report from other Merriam automobile dealerships pointing out that the colored hanging tags are a standard in the industry. He said with the economy and the slow car sales this past year, the request is very important to Country Hill Motors.

Mr. Zaslavsky said that they do interesting and good things for the community. This year they gave away a van to the Breast Cancer Research campaign and another vehicle during Christmas to a single mom with kids.

Russ Harmon asked if the only thing the applicant is asking for is the colored hanging sign and windshield numbers and nothing else. Mr. Zaslavsky answered that was correct. The size of the hanging sign would never change and the number stickers would vary in colors of green, red and yellow depending on the time of the year and color of the car. Mr. Dyer questioned how tall the number stickers were noting staff would estimate on the long side of 10 inches. Mr. Zaslavsky stated that was the only size he could order without special ordering.

Russ Harmon said he did not see a problem with the request. Vice-Chairman Ellerman and Julie Peterson agreed with Mr. Harmon's comment.

Vice-Chairman Ellerman asked for additional comments or questions. Hearing none, he entertained a motion.

TODD BOYER MOVED TO APPROVE APPLICATION Z-4-05 (0110) A REQUEST FOR A REVISED SIGN PLAN TO INCLUDE UNLIMITED COLORS ON THE 8-1/2 X 11 INCH REARVIEW MIRROR HANGING SIGNS AS WELL AS USE OF INDUSTRY STANDARD NUMBER STICKERS ON THE WINDSHIELDS OF VEHICLES NOT TO EXCEED 10 INCHES IN HEIGHT FOR COUNTRY HILL MOTORS LOCATED AT 6639 EAST FRONTAGE ROAD IN A PUD-G, PLANNED UNIT DEVELOPMENT-GENERAL, ZONING DISTRICT. KATRINA ROBERTSON SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

6. 2010 Election of Officers

Vice-Chairman Ellerman announced the 2010 election of officers. Mr. Dyer stated the current slate of officers for the benefit of the commissioners.

- Chairman Carol Whitlock
- Vice-Chairman Dan Ellerman
- Secretary Todd Boyer

Bob Bertoncin, 9921 W. 65th Pl., asked if the Planning Commission by-laws permitted nominations from the floor. In response to Mr. Bertoncin's question, Mr. Dyer read from the Planning Commission by-laws:

1. OFFICERS

**Planning Commission Meeting
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A. *Officers of the Merriam Planning Commission shall be Chairman, Vice-Chairman, and Secretary, which officers shall be elected by the Commission at the first regular meeting in the month of January and shall serve for one year. Election shall be by majority vote of the quorum in attendance. Said officers may be re-elected or replaced by such annual election.*

Mr. Dyer noted that the by-laws are silent on how officers are nominated and commented that this is a decision of the Planning Commission as to how they wish to handle this.

Vice-Chairman Ellerman asked if the commissioners had any comments. Russ Harmon said he did not have a problem with nominations from the floor. Julie Peterson and Todd Boyer agreed they would consider it and hear comments but ultimately the commissioners should be the ones to vote on the nominations.

Mr. Bertoncin said he had already looked at the by-laws and knew there was nothing in them to cover his question. He nominated the following:

Chairman	Dan Ellerman
Vice-Chairman	Todd Boyer
Secretary	Russ Harmon

Mr. Bertoncin asked if the commissioners wanted to hear a reason for his nominations. The commissioners said they did. Mr. Bertoncin stated that he had been on national boards that encompass 20,000 members and on the board of directors. On those boards you would find that the CEO and Vice-Chairman change yearly so that new input is always available. The ex-CEO or president of the board is always the ex-officio which is always on standby. He said that he thought personally that the city needs a change at the lead of the Planning Commission. Mr. Bertoncin said it was nothing personal against the current Chairman but needs to be rotated around so there are other opinions and other thoughts of what is going on. He said he was really going on the national scenario of what happens on large major boards that rotate people and it needs to do that so you have continuous different and new input.

Mr. Dyer suggested that the commissioners make sure that all those nominated for office wished to serve in those positions.

Vice-Chairman Ellerman asked for additional nominations.

Katrina Robertson made the following nominations:

Chairman	Dan Ellerman
Vice-Chairman	Todd Boyer
Secretary	Russ Harmon

Todd Boyer made the following nominations:

Chairman	Dan Ellerman
Vice-Chairman	Russ Harmon
Secretary	Julie Peterson

Russ Harmon requested that his name be removed from the Vice-Chairman nomination.

There was discussion of voting protocol.

Russ Harmon and Vice-Chairman Dan Ellerman expressed some concern with Chairman Whitlock not in attendance. Vice-Chairman Ellerman remarked that Chairman Whitlock would remain on the board and act as an advisor with all of her years of history and he felt that was very important. There was discussion of rotating the board officers.

Vice-Chairman Ellerman asked for votes for the nomination of Dan Ellerman for Chairman. The vote was unanimously approved.

Vice-Chairman Ellerman asked for votes for the nomination of Todd Boyer for Vice-Chairman. The vote was unanimously approved.

Vice-Chairman Ellerman asked for votes for the nomination of Julie Peterson for secretary. The vote was 2 in favor.

Vice-Chairman Ellerman asked for votes for the nomination of Russ Harmon for secretary. The vote was 3 in favor with Russ Harmon abstaining.

2010 Planning Commission Officers:

Chairman	Dan Ellerman
Vice-Chairman	Todd Boyer
Secretary	Russ Harmon

IV. BUSINESS FROM THE FLOOR

Mr. Dyer stated that the Planning Commission had received a copy of the revised 2010 Planning Commission Schedule with the August and December City Council dates revised. He noted that the City Council voted to hold two council meetings a month on the first and fourth Monday of the month with the exception of August and December. He said that there probably would not be a second council meeting in December and Planning Commission items would be heard in January 2011. Planning Commission items would typically be heard at the second City Council meeting of the month to allow for the 15 day protest petition period.

RUSS HARMON MOVED THAT THE PLANNING COMMISSION ADOPT THE REVISED 2010 PLANNING COMMISSION SUBMISSION SCHEDULE AS PRESENTED. TODD BOYER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

V. UNFINISHED BUSINESS

None

VI. OLD BUSINESS

None

VII. ADJOURNMENT

With no further business for discussion, Vice-Chairman Ellerman asked for a motion for adjournment.

There being no further business, **JULIE PETERSON MOVED FOR ADJOURNMENT.** The meeting was adjourned 8:30 pm.

Respectfully submitted,

**Judy Deverey
Community Development Department**

APPROVED: March 3, 2010