

**MINUTES-REGULAR MEETING
MAIZE CITY PLANNING COMMISSION AND
BOARD OF ZONING APPEALS
THURSDAY, MARCH 5, 2015**

The Maize City Planning Commission was called to order at 7:00 p.m., on Thursday, March 5, 2015, for a Regular Meeting with *Gary Kirk* presiding. The following Planning Commission members were present: *Mike Burks, Bryant Wilks, Gary Kirk, Bryan Aubuchon* and *Jennifer Herington*. Planning Commissioners not present were *Gerald Woodard* and *Andy Sciolaro*.

Also present were *Sue Villarreal*, Recording Secretary; *Kim Edgington*, Planning Administrator; *Richard LaMunyon*, City Administrator; *Bill McKinley*, City Engineer; *Marlene Sanders*, Resident; *Omar Blevins Jr.*, Resident; *Lori Heger*, Resident; *Jim Mull*, Resident; *Kris Zecha*, Resident; *Chris Dieker*, Resident; *Kelly Graber*, Resident.

APPROVAL OF AGENDA

MOTION: *Wilks* moved to approve the agenda as presented.
Burks seconded the motion.
Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: *Aubuchon* moved to approve the February 5, 2015 minutes as presented:
Wilks seconded the motion.
Motion carried unanimously.

NEW BUSINESS – PLANNING COMMISSION

Z-02-015 Zone change request for approximately 1.6 acres at the southeast corner of 53rd Street North and 119th Street West.

Edgington explained to the commissioners that the applicant is requesting a zone change for 1.6 acres from SF-5 Single-Family Residential to LC Limited Commercial for future commercial development. The property is appropriate for neighborhood residential development. However, a protective overlay is recommended to prohibit undesirable uses and conditions such as screening, lighting and noise should be taken into consideration for existing neighbors. Drainage issues exist and a drainage plan would have to be submitted and approved by the City Engineer. The overall project would be subject to design review standards and would require site plan approval.

Residents feel the adjacent corners of the intersection would be more appropriate for commercial development and are opposed to the change in zoning due to the following concerns:

Commercial development would drastically change the esthetics of the area.

Development of the property would add to the existing drainage issues.

Commercial development would not be consistent with current bylaws and covenants.

Access to property would be on 119th street and could create additional traffic on Albert Circle. This is a safety concern for children in the neighborhood as well as the homeowners and their property.

Edgington explained that there is a 14 day protest period. A protest letter must be filed with the Maize City Clerk within 14 days from the date of this meeting. The City Council will hear the case for Z-02-015 on April 20, 2015.

The City cannot enforce restrictive covenants. A case would have to be filed in District court to protect covenants.

MOTION: *Burks* moved to deny Z-02-015 Zone change request for approximately 1.6 acres at the southeast corner of 53rd Street North and 119th Street West because it did not meet the 5 criteria listed in the staff report as follows:

1. The zoning, uses and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted.
3. Extent to which removal of the restrictions will detrimentally affect nearby property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies.
5. Impact of the proposed development on community facilities.

Wilks seconded the motion.

Kirk requested a roll call vote to approve Z-02-015 Zone change request for approximately 1.6 acres at the southeast corner of 53rd Street North and 119th Street West with the following results:

Burks – no

Wilks – no

Kirk – no

Aubuchon – no

Herington - no

Motion carried unanimously.

ADJOURNMENT:

MOTION: With no further business before the Planning Commission,
Burks moved to adjourn.
Herington seconded the motion.
Motion carried unanimously.

Meeting adjourned at 7:43 PM.

Sue Villarreal
Recording Secretary

Gary Kirk
Chairman