

MINUTES OF THE PLANNING COMMISSION MEETING
January 25, 2016

The regular meeting of the Mission Planning Commission was called to order by Chairman Mike Lee at 7:00 PM Monday, January 25, 2016. Members also present: Scott Babcock, Robin Dukelow, Stuart Braden, Jim Brown, Frank Bruce, Dana Buford, Brad Davidson and Charlie Troppito. Also in attendance: Interim Community Development Director Danielle Murray and Finance Director Brian Scott.

Introduction of New Planning Commissioner – Dana Buford

Election of Officers

By unanimous vote, Mike Lee was re-elected as Chairman of the Planning Commission.

By unanimous vote, Stuart Braden was elected as Vice-Chair of the Planning Commission.

By unanimous vote, Danielle Murray was elected as Recording Secretary of the Planning Commission.

APPROVAL OF MINUTES FROM THE DECEMBER 28, 2015 MEETING

A motion was made and seconded to approve the minutes of the December 28th meeting. The vote was taken (8-0). Ms. Buford abstained. The **motion carried**.

Case #16-01 Final Replat-Mission Vale, Lots 3-5, 5418-5428 Johnson Drive

Mr. Scott: My name is Brian Scott. I am the finance director for the City. I've been here about nine or 10 months, starting back in April. I have been a city planner in Danielle's absence. The applicant came to us right before the holidays and is requesting a lot split of a parcel of property that she owns on Johnson Drive. You may remember the applicant, Yen Yeh "Alice" Wang. She came to you all back in October for a special use permit for her particular animal boarding operation. She actually owns the entire lot, and if you're not familiar with that lot, it's on Johnson Drive between Nall and Birch. There are actually two buildings that sit on that lot – the building that has her operations in it, and a building next door that's been vacant for some time and she's interested in selling. So, she needs to do a replat in order to sell that building.

That is the application before you tonight for consideration. It is a single property on Johnson Drive. It's across the street from Mission Mart. The zoning is MS-1 and it is located in the East Gateway District. As I said, the applicant wants to split the lot back into the two original lots that were recorded on the Mission Vale Plat back in 1929. There is a little bit of deviation. Tract 2, which would be Lot 4, would actually include 15 feet of Lot 5, which is part of the original plat that was recorded back in 1929. The 15 feet is the alleyway. If you have any questions of the applicant, she is here this evening.

Mr. Brown: I have three questions of staff. Why are we not asking for right-of-way on Johnson Drive to equal the right-of-way that we obtained on the rest of Johnson Drive? Number two, why

MINUTES OF THE PLANNING COMMISSION MEETING
January 25, 2016

are we platting a building line when we really don't want building lines, we want buildings built to the property lines? And then, is there a fire wall where we are now showing a new property line?

Mr. Scott: I don't know if there's a fire wall there. I'm not sure about the exact structure of the building. I would imagine it's a brick wall, but I don't know if it's a fire wall, per se. I have been told that there is an entranceway between the two buildings. One of things I suggested to the applicant is that the potential purchaser of that second lot would have a [*inaudible*] agreement drafted between the two of them. We discussed parking stalls along Johnson Drive with the applicant, donating those to the City, if you will. They were hesitant to do that, so that's not something that we can actually negotiate as part of this application. In other words, we can't do a *quid pro quo*. We can't hold up the application until they get the parking stalls. That would be a taking that would be illegal. So, that's the reason why we went ahead and left the plots as they were presented. You can ask for further negotiations with them about donating those to the City or making a purchase at a future date.

The third question about the lot line, I'm not really sure. I guess we could make an adjustment for that so the building is at the lot line.

Ms. Murray: That is one of the conditions.

Ms. Dukelow: I have a question regarding Lot 5. The way I understand this, we are reviewing a preliminary plat of Lots 3 and 4, which are owned by the applicant. But, we're also including 15 feet of Lot 5. Is the owner represented for Lot 5? Does that need to be replatted as well?

Mr. Scott: The owner is not present. I think the applicant actually owns the 15 feet right now. The alleyway. It's part of the existing parcel of property.

Ms. Dukelow: So, the owner currently owns Lots 3 and 4 and 15 feet of Lot 5?

Mr. Scott: Right. That's what I understand.

Ms. Dukelow: With all due respect, that sounds a little nuts.

Ms. Murray: That's fairly common, for property lines in Mission to span lots in sections.

Ms. Dukelow: Can you help me understand why we're not replatting Lots 3, 4 and 5?

Ms. Murray: The plat itself needs several revisions. One of those revisions that we've called out for is for them to better label what it is they're platting. They're currently using alphabetical tracts. We would actually prefer to see a replat of the already numbered lots. So, that's likely something that's going to change when they revise this plat for us, if you pass those conditions. I think that's one of the things we're expecting to have them edit when they submit revisions to us.

Ms. Dukelow: Who are "them" and "they"?

Ms. Murray: The applicant's surveyor prepared the plat. It was done very last minute without staff's ability to give them comments and have them revise it so that you wouldn't see a work in progress. The plat that you have in front of you still has things that we think need to be revised, but at this point, we consider them fairly minor revisions such as labeling and nomenclature. Those are things that the surveyor just needs to change. The concept they're presenting to you,

MINUTES OF THE PLANNING COMMISSION MEETING
January 25, 2016

where the lines would fall, would not change. But we agree that there are some things that are confusing about the way these are identified and labeled.

Ms. Dukelow: I guess my biggest concern – and I'd like to let the record show that I am not comfortable in replatting Lot 5 with no representation. I mean, we don't have anyone here who – I mean, does the [*inaudible*] on Lot 5, or not? I mean, I don't like to replat someone's land who is not here.

Ms. Murray: I think what we would see them change that label to would be, they own Lot 3, 4 and part of 5, so they're going to replat them as 3 and 4. They're not going to change 5. The label for 5 will stay on what is the majority of Lot 5 right now. They're not changing the name of the property owned by someone else. They would just need to be changing the names of the property that they do actually control.

Mr. Troppito: Just to clarify, on the plat, there's a legal description that includes the west 15 feet of Lot 5. You can't plat something you don't own, so the assumption is, to me, that they are, in fact, the owners. Correct?

Ms. Murray: Well, it's already platted.

Mr. Troppito: Well, you can't replat.

Ms. Murray: Right. They can't replat land that they don't own without that party being identified on the plat and signing off on it.

Mr. Troppito: So, they are the owner of record.

Ms. Murray: Right.

Mr. Davidson: As far as Lot 2 and Lot 5, as far as where the building line goes to, as far as the adjacent properties on the east and west, do those property lines come to the back of the parking stalls, or do they stop at the back of the curb? As far as Lot 2 and Lot 5, at this point? Because you said we're reluctant to give the easement or the property away of the private stalls.

Mr. Scott: I believe they come back to the curb. Is that right, Danielle?

Ms. Murray: The southern property lines of Lots 2 and 5 are in the same place as the ones that are shown here. It's a continuous line through all those parking stalls in the same alignment across each lot in this block.

Mr. Scott: There should be an updated plat in front of you tonight.

Mr. Babcock: You had some great questions. On this easement that we can't take, per se, how do we get the easements that we obtain?

Mr. Scott: You ask. You hope they'll donate to you.

Mr. Babcock: Is that what's been happening?

Mr. Scott: Yeah. If they don't donate, you have to negotiate with them for purchase.

Ms. Dukelow: Does it really matter? I mean, it's the City easement [*inaudible*] curbs and repair sidewalks –

MINUTES OF THE PLANNING COMMISSION MEETING
January 25, 2016

[Overlapping comments.]

Ms. Dukelow: -- take care of the curb regardless of who owns it.

Mr. Scott: It's just more convenient for the City to actually have ownership of that for further expansion or work that needs to be done. You're right, we're still going to use it as public parking, and the applicant knows that.

Ms. Dukelow: Mr. Chairman, I'll attempt a motion. We talked about a number of items tonight and I'm not sure I'll be able to capture them all.

Ms. Murray: There's a suggested motions sheet before you that has the staff recommended conditions of the staff report, and it does say, "*Correction of any minor text changes...*," and then we've identified the 40 foot setback line that Mr. Brown mentioned. There's some dedication of drainage and utility easements that we think are extraneous. They don't hurt anything, but they don't really relate to anything on the drawing either. The owner's signature reference, and then, the items that we discussed about lot naming, which we would like to see changed as well. There might be changes in the title as well. It should probably read "a replat of" such-and-such. So, those are the minor things that we would follow up on when we see revisions come in. So, if you want to use the wording, those are the things that were meant to be addressed.

Mr. Babcock: About this firewall, I'm not familiar with that issue. It sounds like something that is a consideration. Is there some sort of requirement for that?

Mr. Brown: There would be, but if the line was there before, it's likely that there is a masonry wall there. I bring it up because I don't know. But you put a property line down the middle of a building, you've now made two buildings. So, [*inaudible*] firewall.

Mr. Davidson: Is there any way that we know that this engineer has platted that line between tracts 1 and 2 that physically incorporates the dividing wall between those two buildings? Can we at least have an "as built," or something like that, just to make sure? Let's say the lot line is a foot over into another structure, and that should actually right on line [*inaudible*] physical structural wall between those two structures.

Ms. Murray: That may be a detail that isn't called for in the final plat. It would basically be showing the building footprint on this drawing and showing that they've drawn the line down the partition. We can ask them to show that on something that we review.

Ms. Dukelow: It says lot building line on property line right here on the proposed preliminary plat.

Ms. Murray: Frankly, that's their job to do right. They can draw the line anywhere they'd like to draw the line. If they don't want it to be down that wall, for whatever reason, they could also do that. So, that's why they've hired a surveyor.

Mr. Bruce: Mr. Chairman, the property line currently between Lots 4 and 5 is the west wall of the building on Lot 5. Is that correct?

Ms. Murray: No. There's an alleyway between those two buildings.

MINUTES OF THE PLANNING COMMISSION MEETING
January 25, 2016

[*Overlapping comments.*]

Mr. Bruce: That property line takes in the alleyway. Okay. So, firewalls would be redundant. Now, are there any windows along the alleyway on either building?

____: Frank, we're looking at firewall between –

Mr. Bruce: I realize that. I'm looking that way. So, if there are no windows, and with the alleyway, that would make that redundant. Now, are there any breaches in the brick wall between the two buildings that are currently in Tracts 1 and 2? Doorways, windows - ?

[*Overlapping comments.*]

Mr. Bruce: So, that would not qualify as a fire wall. And it also would have to extend above the roof line. But, as Danielle said, I don't know if this would be germane to this discussion.

Ms. Murray: Those are all issues for the building code to regulate.

Ms. Dukelow: What's the trigger for this? I don't think it's part of the conversation for replatting. It's probably more of a conversation is there were substantial renovations made to the structure.

____: We'll be back.

Mr. Troppito: What's the monitoring well there for on Lot 3, in the middle?

Mr. Brown: There's the trailer that's got the fan blowing in it 24/7. And a leak in a gas station across the street. So, it may require them to drop monitoring wells all the way around. They come out and check them every now and then. Trying to make sure any underground leak is not migrating away from the site.

[*Overlapping comments, inaudible.*]

Ms. Dukelow: No worries. It's also appropriate through the guidelines of Robert's Rules, I understand, to discuss the motion after it's been made. Is that accurate, Mr. Chairman? [*No audible response.*] Thank you. Okay.

Ms. Dukelow moved and Mr. Davidson seconded a motion to approve the replat Case #1601 for the subdivision of land to be known as Mission Vale, with the following condition:

- 1) Correction of any minor text changes prior to recording, including removal of the 40 foot building setback line, dedication of drainage and utility easements to the City, owner signature reference, lot naming, platting naming, and plat title.
- 2) Additionally, confirmation that 15 feet of Lot 5 is owned by the Applicant, and the replat of Lot 5 is required to clarify the lot split.

The vote on the motion was taken, (8-0-1). **The motion carried.** Comm. Buford abstained.

Comm. Dukelow requested a workshop with all planning commissioners and staff to talk about various topics, such as responsibilities of the Planning Commission, tools for the Planning Commission, an overview of the Comprehensive Plan and design guidelines, zoning ordinances and how they relate back to the staff report and applications, overlay districts, learn how to read

MINUTES OF THE PLANNING COMMISSION MEETING
January 25, 2016

a floor plan, among other things. She feels it's valid if commissioners were able to understand where the information is coming from and how to cross-check it before coming to the meetings.

Ms. Murray: That's a great suggestion. There are also Planning Commissioner training opportunities offered by others. If I see anything advertised that's a little more in depth, I will let you know.

Ms. Dukelow: We could do something as a group so everyone is working from the same set of information. That would be helpful.

I also got an email from MARC on another Planning Commission program they're putting on. Did you see that?

Ms. Murray: I saw one that came in today, yes. I'll send that out to everyone.

ADJOURNMENT

With no other agenda items, **Ms. Dukelow moved and Mr. Brown seconded a motion to adjourn.** (Vote was unanimous). The **motion carried.** The meeting adjourned at 7:27 P.M.

Mike Lee, Chair

ATTEST:

Secretary