

**CITY OF LEAVENWORTH PLANNING COMMISSION**  
**COMMISSION CHAMBERS, CITY HALL**  
100 N 5<sup>th</sup> Street, Leavenworth, Kansas 66048  
**REGULAR SESSION**  
**Monday, February 5, 2024**  
6:00 PM

---

**CALL TO ORDER:**

**Commissioners Present**

Don Homan  
Sherry Whitson  
Brian Stephens  
Maryann Neeland  
Bill Waugh

**Commissioners Absent**

James Diggs  
Kathy Kem

**City Staff Present**

Julie Hurley  
Michelle Baragary  
Bethany Falvey

Chairman Homan called the meeting to order at 6:00 p.m. and noted a quorum was present.

**APPROVAL OF MINUTES:** December 4, 2023

Chairman Homan asked for questions, comments or a motion on the minutes presented for approval: December 4, 2023. Commissioner Stephens moved to approve the minutes as presented, seconded by Commissioner Whitson and approved by a vote of 5-0.

**OLD BUSINESS**

None

**NEW BUSINESS:**

**1. ELECTION OF OFFICERS**

Commissioner Whitson moved that Commissioner Stephens be Chairperson and Commissioner Kem Vice Chairperson, seconded by Chairman Homan, and approved by a vote of 5-0.

**2. 2024-01 SUP – 300 N 4<sup>th</sup> Street**

Conduct a public hearing for Case No. 2024-01 SUP – 300 N 4<sup>th</sup> Street, wherein the applicant is requesting a Special Use Permit to allow a gas station use in the North Neighborhood Overlay District. Gas station uses are allowed in the North Neighborhood Redevelopment Overlay District with the issuance of a Special Use Permit.

Chairman Stephens called for the staff report.

City Planner Bethany Falvey stated the applicant, JK & Sons, LLC, is requesting a Special Use Permit to allow a gas station use in the North Neighborhood Overlay District, located at 300 N. 4<sup>th</sup> Street. Gas stations are allowed in the North Neighborhood redevelopment overlay district with the approval of a Special Use Permit. There is an existing gas station on the property, that is considered a nonconforming use. Per section 1.05 of the adopted Development Regulations:

*Any nonconforming use shall not be physically extended, expanded, or enlarged.*

The owner has requested a building permit to build an addition on the rear of the structure. The owner is requesting the Special Use Permit to bring the property into conformation in order to enlarge their structure.

### **COMMISSION FINDINGS**

The Commission may recommend issuance of a special use permit whenever it finds that:

1. The proposed special use complies with all applicable provisions of this ordinance.

*Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.*

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

*The property is currently a gas station and has been since at least the early 2000's in its current configuration. It is one of the few gas stations within the downtown area and continued use will contribute to the economic development, welfare and convenience of the public.*

3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.

*Staff does not feel that the proposed use will cause any substantial injury to the value of other property in the neighborhood as the property is currently exists as a gas station.*

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

*The property owner is proposing a 400 square foot addition on the rear. The addition meets the rear setbacks for the North Neighborhood overlay district.*

Notification was sent to property owners within 200' of the subject property, as required by Kansas Statute. Since notifications were mailed, staff has received no comments or inquiries.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein.

### **ACTION/OPTIONS:**

- Motion, based upon findings as stated and conditions as presented, to recommend approval to the City Commission with included conditions.
- Motion, based upon findings as stated and conditions as presented, to recommend denial to the City Commission
- Table the issue for additional information/consideration

Chairman Stephens asked for questions about the staff report. With no questions, Chairman Stephens opened the public hearing.

Osama, owner's nephew, stated they want to expand the cooler area in the rear.

Commissioner Homan asked if the building will have a facelift.

Mr. Osama responded in the affirmative that the façade will be renovated and new pumps will be added. Osama further stated the entire building will be renovated to make it better and more convenient for the public.

Chairman Stephens asked if there will be traffic going between the building and concrete wall.

Mr. Osama responded the parking lot is in the front, and there is no space behind the building to drive through.

Chairman Stephens asked if any signage will be changed.

Mr. Osama stated they may install a new sign because they have changed the store name.

Chairman Stephens stated he will need to abide by the sign regulations.

Commissioner Whitson asked when they plan on beginning construction.

Mr. Osama stated they are just waiting on this approval.

Commissioner Whitson asked if they will close during construction.

Mr. Osama stated his uncle would need to answer that question.

With no one else wishing to speak, Chairman Stephens closed the public hearing and called for a motion. Based upon findings as stated and conditions as presented, Commissioner Homan recommended approval of the Special Use Permit for property located at 300 N. 4<sup>th</sup> Street to the City Commission, seconded by Commissioner Waugh, and approved by a vote of 5-0.

### **3. 2024-04 SUP – 920 N. 14<sup>th</sup> Street**

Conduct a public hearing for Case No. 2024-04 SUP – 920 N. 14<sup>th</sup> Street. The applicant is requesting a Special Use Permit to allow a two-family dwelling in R1-6 zoning district, High Density Single Family Residential District. Two-family dwellings are allowed in the R1-6 zoning district with the issuance of a Special Use Permit.

Chairman Stephens called for the staff report.

City Planner Bethany Falvey stated the applicant, Stieger Family Trust, is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 (Low Density Single Family Residential District) zoning district, located at 920 N. 14<sup>th</sup> Street. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit. The property is currently a quarter acre, vacant lot. A two-story house was on the property previously, but it was demolished in 2009.

The applicant is seeking the Special Use Permit to build a duplex.

### **COMMISSION FINDINGS**

The Commission may recommend issuance of a special use permit whenever it finds that:

1. The proposed special use complies with all applicable provisions of this ordinance.

*Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.*

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

*If approved, the property will fill a need in the community by adding a two-family housing option.*

3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.

*Staff does not feel that the proposed use will cause any substantial injury to the value of other property in the neighborhood.*

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

*The proposed new structure is a two-story duplex. It was a historically developed lot and this will not dominate the immediate neighborhood.*

Notification was sent to property owners within 200' of the subject property, as required by Kansas Statute. Since notifications were mailed, staff has received no comments or inquiries.

**STAFF RECOMMENDATION:**

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein.

**ACTION/OPTIONS:**

- Motion, based upon findings as stated and conditions as presented, to recommend approval to the City Commission with included conditions.
- Motion, based upon findings as stated and conditions as presented, to recommend denial to the City Commission
- Table the issue for additional information/consideration

Chairman Stephens asked for questions about the staff report.

Chairman Stephens asked when the notifications were mailed out.

Planning Assistant Michelle Baragary stated the notifications to property owners within 200' of the subject property were mailed on January 11, 2024.

Commissioner Homan stated the plot plan does not match up with what the applicant has for the building plans. The garage is separate and L-shaped on one drawing, and the other drawing has the garages with living areas next to them.

With the developer present, Chairman Stephens stated the developer can answer those questions.

Planning Director Julie Hurley reminded the Board that this application is a Special Use Permit for the "use", and not for a specific design of a duplex.

Chairman Stephens opened the public hearing.

Eric Anderson, 1219 E 9<sup>th</sup> St., The Dalles, OR, stated he heard there is a need for good quality rentals in Leavenworth so he purchased this property to build a duplex. Mr. Anderson stated he mistakenly sent the wrong site plan. The correct site plan is the one that has the white rectangle and square.

Chairman Stephens asked the applicant if he has built homes in the past.

Mr. Anderson responded that he has helped build homes but that he has a contractor that will build the duplex.

Chairman Stephens asked if he owns any other rental property in Leavenworth.

Mr. Anderson responded he does not.

Ms. Hurley noted that any setbacks or other requirements would have to be met when they apply for building permits.

With no one else wishing to speak, Chairman Stephens closed the public hearing and called for a motion. Based upon findings as stated and conditions as presented, Commissioner Whitson recommended approval of the Special Use Permit for property located at 920 N. 14<sup>th</sup> Street to the City Commission, seconded by Commissioner Waugh, and approved by a vote of 5-0.

In order to preserve numerous trees on the lot, Mr. Anderson wants the address to be a Pawnee address. He stated he spoke with someone at the City who informed him that would not be a problem.

Ms. Hurley responded that can be worked out through the City's GIS Department.

#### **4. 2023-26 SUB – LUXURY ADDITION FINAL PLAT**

Consider a final plat for Luxury Addition, Case No. 2023-26 SUB.

Chairman Stephens called for the staff report.

Planning Director Julie Hurley stated the subject property is owned by Rea Holdings, LLC, plat prepared by Atlas Surveying. The applicant is requesting the plat in order to divide their current unplatted property into two lots, as well as incorporate portions of land that were purchased from Citizens Savings & Loan to the west, and K & L Leasing to the north. The plat also includes the dedication of access easements for the use of Citizens Savings & Loan, and K & L Leasing. The plat includes a total of 2.5 acres.

The property is occupied by Luxury & Imports, and is zoned GBD, General Business District. The existing automotive related use is an allowed use in the GBD zoning district.

The subject plat was reviewed by the Development Review Committee on January 4, 2024. A number of technical items related to the plat were discussed at that time. The plat has also been reviewed by the Leavenworth County Surveyor and Register of Deeds. All items identified by the DRC and Leavenworth County staff have been addressed, or will be addressed, prior to recording of the plat.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of Luxury Addition Final Plat.

#### **ACTION/OPTIONS:**

- Approved the Final Plat
- Deny the Final Plat
- Table the issue for additional information/consideration

Chairman Stephens asked for questions about the staff report.

With no questions, Chairman Stephens called for a motion. Commissioner Homan stated he will recuse himself because the applicant is a client of his. Commissioner Whitson moved to approved the final plat for Luxury Addition, seconded by Commissioner Neeland, and approved by a vote of 4-0 (Commissioner Homan abstained).

## 5. 2023-30 TXT – TEXT AMENDMENTS

Conduct a public hearing for Case No. 2023-30 TXT for proposed text amendments to the adopted 2016 Development Regulations.

Chairman Stephens called for the staff report.

Planning Director Julie Hurley stated the Development Regulations were adopted by the City Commission in June, 2016 after a year-long comprehensive update process. Through the daily use of the Regulations by staff, several minor items have arisen that may necessitate possible updating. This process is not uncommon, and it is anticipated that an annual review of the Development Regulations will be performed in order to ensure that they remain up to date and comprehensive. Many of the proposed amendments consist of clarifying existing language, with no substantial policy change. The following modifications have been drafted by staff and are now presented for public hearing and vote.

### Article 1; General Provisions

- Remove specific dates by which regulations and updated zoning map must be prepared each year. All documents are updated as changes are made throughout the year.

### Article 2; Applications & Procedures

- Add requirement that applicants provide two full sized copies of all recorded plats to the City.
- Move Article 6-Landscaping and Article 8-Signs to the jurisdiction of Board of Zoning Appeals for variance requests in lieu of City Commission.

### Article 4; Zoning Districts & Standards

- Add provision that adjacent right-of-way width may not be counted towards the minimum lot width requirement.
- Add provision to allow 3 detached accessory structures on parcels 2 acres or larger.
- Add specific setback requirements for pools.
- Add Solar Arrays as permitted accessory use.
- Remove Solar energy facilities from requirement for Special Use Permit.
- Change language regarding signage for home occupations to reference regulations in Article 8-Signs.

Chairman Stephens asked if someone has to install a hammerhead at the end of a dead-end street, what material is that constructed of.

Ms. Hurley stated that turnarounds are completely handled by the Public Works Department.

Chairman Stephens asked if the Board would take that into consideration for rezoning applications.

Ms. Hurley responded that it would typically be for subdivision when looking at a lot layout, and that is not something this Board would deal with. That is all handled as they come through for various permits.

Chairman Stephens asked where the 5 ft. setback requirement for a pool from the primary dwelling came from.

Ms. Hurley stated that is a building code requirement.

Chairman Stephens asked if a Special Use Permit is required for roof mounted solar panels.

Ms. Hurley stated a Special Use Permit is not required but a building permit is required to install them. Article 10 specifically deals with solar and wind collection systems, and so this is getting it in line with what is defined in Article 10.

Chairman Stephens asked if a Special Use Permit is required in the new regulations for any renewable energy, like turbine.

Ms. Hurley responded that wind turbines do require a Special Use Permit because those structures are typically more intrusive for neighboring properties. The Development Regulations already state a Special Use Permit is needed for wind turbines. Solar energy facilities do not require a Special Use Permit. Wind and solar energy are defined in Article 10 of the regulations.

#### **Article 5; Access & Parking**

- Add provision to allow alternative paving materials as acceptable parking surface for single-family dwellings with review and approval by the Public Works Department.

Chairman Stephens asked if Public Works is approving just the material or are they also approving the design.

Ms. Hurley responded that this provision is just for single-family driveways, therefore, Public Works would only approve the materials.

Chairman Stephens asked if applicants would need to provide full plans for driveways to include materials being used.

Ms. Hurley stated when someone comes in for a permit for a driveway, they must have their plot plan showing the location of the driveway and specify what material will be used to construct the driveway, which will be reviewed by Public Works. Ms. Hurley further stated that it is mainly our department that looks at the design to make sure it meets our lot coverage requirements, setback requirements, etc. so the design and placement of the driveway is already part of the review and approval process.

#### **Article 6; Landscape & Site Design**

- Change wording of “areas” or “properties” to “uses” for consistency.
- Remove minimum height requirement for residential uses abutting a commercial or industrial use.
- Revise language related to fencing around a pool to reference applicable building code.
- Remove specific requirements for decorative fences in the CBD.

### **Article 7; Design Standards**

- Change language referencing “two feet 18 inches” to “3 feet 6 inches” for clarity.
- Clarify language regarding maximum driveway width for residential properties.

Referring to the maximum driveway width, Chairman Stephens asked if there has been some issues with consistency, will staff look at previous decisions to make sure they are in line with the regulations.

Ms. Hurley responded that if folks feel like the regulation was interpreted incorrectly, they should contact us. It would be near impossible for staff to look back at every driveway that has been approved.

### **Article 8; Signs**

- Revise size computation standards for multi-face signs.
- Correct all references to “free standing” signs to “freestanding”.
- Refine regulations related to directional signage to include directional wall signs.
- Refine language related to neighborhood identification signs to include term “development” in order to clarify that regulations also apply to multi-family developments.
- Refine language related to projecting signs for clarity.
- Add provision to allow all signage for businesses without an exterior wall fronting a public ROW.
- Change language related to variance requests to indicate that such requests be made to the Board of Zoning Appeals.

### **Article 9; Historic Preservation**

- Remove section relating to variances, redundant.

### **Article 10; Supplemental Standards**

- Refine language related to Solar Arrays for clarity.

### **Article 12; Definitions**

- Move definitions for “Manufactured Home” and “Mobile Home” so that they are with all other definitions for various types of dwellings, for consistency.
- Add definition of “Shelter Home”.

### **Appendix A; Use Table**

- Require SUP for Manufactured Dwellings in R1-9, R1-7.5, and R1-6.
- Add use category of Shelter Home
- Require SUP for Private Wind Energy Systems in all zoning district for consistency with requirements of Article 4.

Chairman Stephens asked if there is a City ordinance against rain or water collection because in Appendix A of the Development Regulations allows “water storage” in the R1-25 zoning district.

Ms. Hurley stated the definition of water storage is “potable commercial water storage structures or features of more than 10,000 gallons. This will not be a plastic water barrel; but rather a water tower.

Commissioner Whitson asked if rain barrels are allowed in residential districts.

Ms. Hurley stated she is not sure because rain barrels are not covered in the Development Regulations. Ms. Hurley will check in the City Ordinance and will get back with the commissioners.

**ACTION/OPTIONS:**

Recommend approval or denial of proposed text amendments for final action by the City Commission.

Chairman Stephens asked for questions about the staff report.

Chairman Stephens stated he hopes that a solution can be found to the nonconforming issue of some homes in the City because some folks in the process of selling their house is when they find out that they have a nonconformance issue, and some people have lost residential sales because they have to wait to get the Special Use Permit.

Ms. Hurley responded that a lot of that has stemmed from a change in lending practices. We are not sure why some lenders require a zoning verification letter from staff and other lenders do not. When staff gets these requests and has to inform them that the home cannot be rebuilt as-is, staff explains why it cannot be rebuilt, such as the zoning, setbacks, etc. Staff has noticed in the last four to five years that lenders will not lend on properties that are nonconforming. Ms. Hurley further stated this is not due to anything the City has changed.

Commissioner Homan stated that it is due to how they are insured when they sell that loan, if they sell it to Fannie Mae or Freddie Mac in a secondary market. If they hold it in their own portfolio, they underwrite their own risk. However, a lot of single-family houses are sold to Fannie Mae, Freddy Mac or a Federal Home Loan Bank Board, and they have certain requirements, so if it is a nonconforming use it is not because of the lender it is because who is buying the loan.

Ms. Hurley further stated that staff has revised the development regulations to help with this issue. Additionally, it is stated in the zoning verification letters that the home cannot be rebuilt as-is but it could be rebuilt with issuance of a Special Use Permit or with a rezoning, whichever is applicable. Staff will continue to keep looking into what we could do to streamline a process or do something for folks that are caught in that.

With no further questions about the staff report, Chairman Stephens opened the public hearing.

Laura Fowler, 2500 Hebbeln Dr., stated this in regards to the adjacent right-of-way and hammerhead discussion that was discussed earlier. Ms. Fowler requests the commissioners refrain from voting on that particular measure until the City can provide specifics on what the board is voting on. Ms. Fowler stated she is a property that would be affected by these stipulations, and that these stipulations were listed as a condition for her to replat her property at 2500 Hebbeln Dr. 2500 Hebbeln Dr. was initially designed to be a neighborhood in 1987, and the owner essentially decided not to do anything with the land for the last 35 years. Ms. Fowler stated she has always wanted to own land so she could do homesteading, conservation and small-scale farming. Ms. Fowler stated she had an asphalt company give her an estimate on the cost of a hammerhead at the end of Hebbeln Drive but without any type of specifications, such as is AB3 needed or does 3 inches or 6 inches of rock need to be compacted, it is impossible to get an estimate on what this project will actually cost. Wants to know what is the square footage of the hammerhead; is it 20' x 30' or 25' x 30'. These considerably impact her out-of-pocket expense.

Ms. Fowler continued by stating it is not just one dead-end but two dead-ends, the second being on Vilas. At one point, Ms. Fowler stated she wanted to have a half-acre lot at the southern end of Vilas that she could at some point sell that lot to someone that would want to build a house there. She further stated that in August of 2023, the City stated she could not plat a lot there without a corresponding hammerhead to go with it. Her issue is that there is a creek that runs along that border so in her opinion a hammerhead would be even more costly because of all the structural and foundational gravel that would need to be put in place in order to make a hammerhead for whatever the unwritten rule is. Off one estimate it was about \$10,000 without anything

relating to the creek. Ms. Fowler continued by stating then you start adding in other issues so she automatically doubled the cost in her head and estimates that it would cost her about \$40,000. She stated that staff told her that she needs to put this in place in order to build her house or plat a lot in there so that a lost driver or the Amazon driver could have a turnaround spot. Stated she does not see the value in her spending \$40,000 for a lost driver.

Ms. Fowler stated that perhaps as a solution there could be verbiage in the regulations that this is for developers only, further stating she acknowledges this is the end of a subdivision that was never completed. This should have been abandoned in 1995 but it was not so some of this is cleaning up the old paperwork that should have been cleaned up 20 to 30 years ago. Ms. Fowler stated that she and her family have been trying to do that, and are currently working through some encroachment issues with some of the neighbors who had built structures over their property line. Requests the Planning Commissioners refrain from voting on this until they have all of the information, as this already has a negative impact in that the land could not be platted the way Ms. Fowler wanted it to because of a rule that literally does not exist yet.

Chairman Stephens asked what would be required for Ms. Fowler to come into conformance.

Ms. Hurley stated just to be clear about what is being talked about, the requirement that the end of a dead-end road cannot be counted as a lot width does not have anything to do with constructing a turnaround. The Planning Department has a requirement for a minimum lot width, and that is to give frontage along a right-of-way, to construct a driveway, or to have a house potentially front onto. Referring to 2500 Hebbeln Drive, Ms. Hurley stated that a lot like this, your house is not going to front onto the road but you still need to have that lot width along a public ROW. What staff is saying by adding the provision in Article 4, is that only the portion that runs along Vilas Street could be counted as your lot width. No portion at the end of a dead-end street could be counted as your lot width. Measuring on the south side of Vilas from the dead-end to the property line at 2405 Vilas is approximately 240 feet, which will meet any minimum lot width requirement. This has nothing to do with constructing a turnaround/hammerhead. Turnarounds are solely a Public Works requirement. The Development Regulations do not deal with when a turnaround is required.

Chairman Stephens stated that Ms. Fowler had said she was not able to plat the property because of this requirement.

Ms. Hurley stated there were multiple versions of a potential lot layout, and staff does not remember exactly what was proposed. At one point, there were one or two lots proposed off Vilas but staff does not have those draft revisions at tonight's meeting to know exactly how the lots were situated.

Chairman Stephens stated we know that 2500 Hebbeln Drive is going to be residential, and wants to know why we are standing in Ms. Fowler's way of platting her property.

Ms. Hurley responded that the property has been platted.

Ms. Fowler stated it was not platted the way she wanted it to be platted, and she did have space for a driveway. One of the drafts would have allowed a driveway to come off Vilas. There is a creek at the end of Vilas, and it would be astronomical to put any type of road over that creek.

Ms. Hurley stated that this provision is to prevent that situation of there being an unwritten rule. There have been a number of situations where there has not been adequate frontage, and folks have wanted to use that dead-end. Staff has strongly discouraged that but there has not been a written rule. This is to prevent staff from trying to enforce an unwritten rule. As with anything, in those kind of one-off situations, there is always the process for a variance, and that would have been an option for Ms. Fowler to request a variance from a regulation that staff was enforcing. The intent of the regulations is to deal with the bulk of cases, and there

is always going to be those unusual situations that may warrant a variance, which is the process for the Board of Zoning Appeals to consider those cases.

Ms. Fowler stated at the time she understood that her plat request would not make it to the Planning Commission unless she agreed to this, and if that is the case, Ms. Fowler asks to be alleviated from that requirement from September 11, 2023.

Ms. Hurley stated that the property has been platted, and staff is not sure for what relief is being requested.

Ms. Fowler stated there is a line on the plat that requires that she install a 20' x 30' hammerhead.

Commissioner Waugh asked is that not a Public Works issue.

Ms. Hurley responded in the affirmative stating that is a Public Works issue and is not a plat issue. That is not a line on our recorded plat but rather a requirement of Public Works.

Commissioner Waugh asked Ms. Fowler if she has addressed this issue with Public Works.

Ms. Fowler stated she has but has not received responses to her emails.

Ms. Hurley stated she is not sure what that communication has been but it is not anything for the Planning & Zoning Department or this board to address the requirements of the Public Works Department.

Ms. Fowler stated that this board is voting on it.

Ms. Hurley responded that this board is not voting on the requirement of a hammerhead/turnaround, material, composition, design, or anything like that.

Chairman Stephens asked if what the board is voting on requires a hammerhead to be installed in these situations.

Ms. Hurley stated that the width of a dead-end not be counted towards a lot width requirement has absolutely nothing to do with the requirement for a turnaround or the composition of a turnaround should the Public Works Department decide that one is required.

Ms. Fowler asked how she gets out of that requirement that she does not feel was right to begin with.

Ms. Hurley stated that if Ms. Fowler is unable to contact the Public Works Director that she suggests that Ms. Fowler contact the City Manager.

Commissioner Waugh stated that staff is correct in saying that this issue is not an issue for this board, and that it should be Public Works resolving this issue.

Commissioner Homan stated Ms. Fowler could also contact the City Commissioners.

Ms. Hurley suggests contacting the City Manager first because the City Commissioners would just contact the City Manager anyway.

Ms. Fowler stated she got a name and process, and was advised to get a petition stating her case, and have people sign it.

Ms. Hurley asked if the City Manager suggested this.

Ms. Fowler responded in the affirmative stating in the military calls that going nuclear.

Ms. Hurley asked again who Ms. Fowler spoke to.

Ms. Fowler stated it was actually her mother who spoke to someone at the City in December but she cannot recall his name.

Commissioner Waugh believes a discussion with the City Manager would generate a response from the Public Works Department.

Ms. Hurley stated she will not speak for who said what but that does not sound like a response from the City Manager.

With no one else wishing to speak, Chairman Stephens closed the public hearing and called for discussion among the commissioners.

Ms. Hurley stated if there are any specific regulations that the board wants staff to look at further, staff would hold all the text amendments from moving forward to the City Commission that way when the text amendments do go to the City Commission it will be as a complete package.

With no further discussion, Chairman Stephens called for a motion. Commissioner Whitson moved to recommend approval of the text amendments to the City Commission, seconded by Commissioner Waugh, and approved by a vote of 5-0.

**OTHER BUSINESS:**

With no other business, Ms. Hurley stated there will be a meeting on March 4, 2024.

Chairman Stephens adjourned the meeting at 7:17 p.m.

Minutes taken by Planning Assistant Michelle Baragary.