

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING

**PLANNING COMMISSION/
BOARD OF ZONING APPEALS**

June 20, 2006

Commissioners Present: Cowman, McLean, Rhodes, Minden, L. Smith

Others Present: Brian Faust, Amy Barenklau, Ross VanderHamm, Brian McCauley, Kathy Mendenhall, Jim Kaup, Wynndee Lee

Item 1: Consider the minutes for the May 16, 2006 meeting.

Chair Cowman called the meeting to order with the first order of business the consideration of the minutes from May 16, 2006 meeting.

Commissioners Rhodes and Minden made a motion to approve the minutes with all Commissioners voting in favor.

Item 2: Conditional Use Permit: Consider a Conditional Use at 103 N. Pearl to allow Pet Grooming Services (*Public Hearing*)

Commissioners Minden and Cowman made a motion to open the public hearing with all Commissioners voting in favor.

Planner Faust presented the staff brief and recommendations. The applicant desires to operate a business that provides ‘pet grooming services’. In the Downtown Zoning District, pet grooming services are allowed within this district as a ‘conditional use’.

Criteria for Considering a CUP:

When considering a CUP application, the Planning Commission must ensure that the following standards are met (Section 21.220, Parts A-D):

- 1) *The proposed use shall be consistent with the comprehensive plan’s purposes, goals, objectives, and standards, including standards for building and structural intensities and densities, and intensities of use.*

Division 22.100 “Comprehensive Planning Policy”, Section 22.120 “Community Character” states “each community character type permits a range of land uses that are consistent and can be built on adjoining properties without destroying or altering the neighborhood’s character.” The Planning Commission must determine if the proposed use is consistent with those goals.

This is an existing building that is currently shared by 'Deb's Beauty Salon'. This proposed service is needed within the community and it will reoccupy a portion of the building that has been vacant for an extended period.

- 2) *The proposed use shall be compatible with the character of land in the immediate vicinity.*
The Planning Commission must determine if the use is compatible with the character of the neighborhood (or could be compatible with certain conditions). There are commercial activities to the south and west while residential properties are located immediately to the east and north. The building itself has been used for commercial activities for many years.
- 3) *The proposed use's design shall minimize adverse effects, including visual impact of the proposed use on adjacent lands.*
If a CUP is approved, care must be taken to minimize the impact on adjacent properties – Staff believes that there are ways to minimize these impacts.

From the LDO, Section 03.317 Pet Grooming Services, conditions should include:

Pet Grooming Services shall meet the following standards:

- A) Adequate ventilation shall be provided between adjoining structures.
- B) Prior to receiving a permit, the applicant must submit copies of approvals from all regulatory agencies having jurisdiction over pet grooming services.
- C) All pet waste shall be disposed of in an approved manner.
- D) Noise levels shall be limited so as not to disturb surrounding properties.
- E) All chemicals used in the grooming process shall be non-destructive to the public sanitary sewer system.

In addition, no overnight boarding of pets should be permitted and hours should be limited to help eliminate disturbances to the adjacent residential areas. Staff recommends that hours of operations be limited to 7am – 7pm Monday through Friday and 8am – 5pm on Saturday.

- 4) *The proposed use shall minimize adverse impacts on the environment, traffic and congestion, infrastructure, or governmental services.*
Staff feels the proposed use will not create any adverse effects to the area. The applicant will be utilizing the existing shared lot with Deb's Beauty Salon. No additional access points will be permitted.

Site Plan:

Section 21.220 of the LDO states that conditional uses shall require a site plan, which may be approved separately or concurrently. This site is surrounded by the Downtown zoning on the south and west and Neighborhood Conservation (NC-R1) on the east and north.

- 1) Parking:
 - Pet Grooming Services (Table 3.110A): 4 per 1000sf
There is approximately 600sf in this portion of the building- 3 spaces

- The beauty salon has a requirement for 5 per 1000sf
- There is approximately 800sf in this portion of the building- 4 spaces

Total Parking Required: 7 spaces
 ADA Spaces Required: 1 space

Total Provided: On paved lot (including ADA): 9 spaces

Parking stalls shall be 9'W x 20'D (9'x18' is acceptable). ADA spaces shall have a 5' isle adjacent to the space.

- 2) Exterior storage of materials is not permitted
- 3) HVAC and Utility Screening: Existing unit(s) will be used (located on the east side of the building for this portion of the building - roof mount for the remainder). If modified in the future, the unit will need to be screened.
- 4) Trash Enclosure: Must comply with Landscaping for Waste or Trash Storage Areas (Figure 03.212 – Article 3 of the LDO).
- 5) Landscaping/Bufferyards:
 - a) Parking lot landscaping is 1 plant unit/18 spaces. Section 6.210 (B) of the LDO states that properties that have 50% or less of the spaces specified in Table 4.110A (18 spaces) are exempt from parking lot landscaping – this is the case with 9 spaces.
 - b) Street trees are required every 50 ft. There is currently one street tree on Piankishaw. A total of one (1) additional 2.5" caliper street tree is required along Piankishaw centered between the existing tree and the Piankishaw/N. Pearl intersection. As this is not the idea time to install landscaping, staff recommends that the tree be planted prior to the one-year renewal of the CUP. This will give the applicant time to get the business established along with the fall and spring planting seasons.
 - c) A 0.60 opacity bufferyard between this building ('D' zoning district) and the adjoining homes ('NC-R1' zoning district) is a requirement of the LDO as the properties are located in different zoning districts (Table 4.110A). As this is a 'partial' change of use (the beauty salon is staying) a 'bufferyard' should be considered. It is also possible to consider this usage a 'commercial service' (same as a beauty salon) and if dogs are not boarded overnight it is a 'commercial service' (usage was classified differently to establish it as a conditional use in the 'D' zoning district).
- 6) Sidewalks: A brick sidewalk exists along Piankishaw but it is currently obscured by grass. The grass should be killed so the sidewalk can be seen.

Planning Commission Action:

The Planning Commission may take action on one of the following options:

- 1) Recommend approval of the CUP and site plan allowing Pet Grooming Services at 103 N. Pearl (Lot 6 and the West 8' of the South 63.75' of Lot 7 in Block 93 of the City of Paola, Miami County, Kansas) but establish conditions if warranted (see section below).
- 2) Recommend rejection of the CUP and site plan.

Conditions

- 1) Adequate ventilation shall be provided between adjoining structures.
- 2) Prior to receiving a permit, the applicant must submit copies of approvals from all regulatory agencies having jurisdiction over pet grooming services.
- 3) All pet waste shall be disposed of in an approved manner.
- 4) Noise levels shall be limited so as not to disturb surrounding properties.
- 5) All chemicals used in the grooming process shall be non-destructive to the public sanitary sewer system.
- 6) No overnight boarding of pets is permitted.
- 7) Hours of operation be limited to 7am – 7pm Monday through Friday and 8am – 5pm on Saturday.
- 8) Grass over sidewalk be eliminated.
- 9) One street tree be installed along Piankishaw prior to the one year renewal.
- 10) Parking stalls be defined by adequate painting or marking tape.
- 11) After one year, the conditional use permit shall be reviewed by the Planning Commission to ensure compliance. The property owner shall be responsible for notifying adjoining property owners (as identified by the abstractor's search for the original CUP request) by regular mail two weeks in advance of the Planning Commission's review. If the owner will be requesting an amendment to the CUP, the notification shall follow the same procedures as the original CUP notification. Adjoining property owners will have an opportunity to comment on compliance to the conditions of the CUP. This would be June of 2007.
- 12) At any time, the City may institute revocation of the conditional use permit for violations of the conditions of approval, expiration, or the reasons specified in Section 21.225 of the Land Development Ordinance. The City shall provide notice to the landowner and public in the same manner as was provided for the establishment of the conditional use permit.

Recommendation:

Staff recommends approval of the CUP and site plan for Pet Grooming Services on Lot 6 and the West 8' of the South 63.75' of Lot 7 in Block 93 of the City of Paola, Miami County, Kansas with the conditions listed above.

The applicant, Kathy Mendenhall, indicated that trash service is already established at the location and felt she could meet all the requirements.

There were no additional comments from the public.

Commissioners Rhodes and McLean made a motion to close the public hearing with all Commissioners voting in favor.

Commissioner Minden inquired if there is adequate ventilation in the building and what adequate meant. Planner Faust stated that there was a need to ensure that there would be no adverse smells vented into either side of the building. Faust stated he would have the Building Inspector look at the system during the consultation with the applicant before the building is occupied.

Commissioner Minden asked if it was necessary to have the Conditional Use Permit expire in one year? Planner Faust said that by having it renew at one-year, the Planning Commission has the ability to address any concerns or issues and if things are going well after one-year they have the option to set renewals for a three to five year period.

Commissioners Cowman and Rhodes made a motion to approve the Conditional Use Permit with the listed conditions. All Commissioners voted in favor.

Faust told the applicant that the recommendation would be presented to the City Council on the following Tuesday. The applicant thanked city staff for their assistance during the process.

Item 3: Preliminary/Final Plat: Green Acres – a plat of the Weaver Greenhouse property.

Planner Faust presented the staff brief and recommendations. Rock Springs Development, Inc. desires to develop the property that formerly housed the Weaver Greenhouse and which is located along the south side of Osage Street (800 Block of E. Osage). As shown on the attached preliminary/final plat, the new development consists of 3 lots, all fronting Osage Street. Single-family developments in the Neighborhood Conservation (NC-R1) Zoning District are permitted.

While both a preliminary and final plat were submitted for this project, the LDO defines this development as a Minor Subdivision (5 lots or less), and as such, a preliminary plat is not required (Table 21.620).

STREETS AND SIDEWALKS:

The city requires the following rights-of-way for various street classifications:

- 1> 60' for residential
- 2> 80' for minor collectors
- 3> 100' for major collectors

As shown on Figure 11.120 of the LDO, Osage Street is defined as a major collector with a requirement for 100' of right-of-way (typically 50' each side of the road centerline). With the proximity of the homes along the north side of Osage, the ability to acquire additional ROW along the north side for future road improvements is limited.

Prior to this proposed development, a total ROW of 50' was defined along this section of Osage. As shown on the attached plat, an additional 5' is being provided along the south side of Osage (equates to a total of 30' on the south side of the road centerline - typically what is required for a residential street). As this roadway is defined as a 'major collector', this should be an additional 25'. This is only a small portion of the roadway and while future improvements may include the reduction in the 'sharpness' of the S-curve at the Osage/Paola Street intersection, those improvements should not create a need for additional right-of-way along the Green Acres development.

It is staff's position that only the 5' additional feet should be required. It is also possible to require an additional utility and/or roadway 'easement' behind the right-of-way to address any future need to shift utilities further to the south.

As stated in Section 11.152 of the LDO, sidewalks are to be provided along both sides of all collectors and along one side of all residential streets. As sidewalks do not currently exist on either side, the developer will need to install 5' sidewalks along the front of these three (3) lots. Sidewalks need to be installed at the same time the homes are constructed.

LOT STANDARDS:

Minimum lot area required:	6,000sf	Minimum lot area provided:	13,498sf.
Minimum lot frontage required:	50'	Minimum lot frontage provided:	65.6'
Minimum street setback required:	25'	Building setback identified as	35' on the plat

UTILITIES:

The following city provided utilities are available to these lots:

- 1> Potable water – located along the north property line (south side of Osage Street). There is an existing meter for the home on Lot 2. Lots 1 and 3 do not have service at this time.
- 2> Sanitary sewer – a sewer line was extended to the south property line when Meadow Gates Estates was under construction. Depending on location and elevation of the new homes, individual service lines will either be gravity or force. Lot 1 will need an easement between the home and the sanitary sewer manhole (across Lot 2).

Septic is not an acceptable solution.

LANDSCAPING:

A landscaping plan was not provided. Landscaping required of the developer includes:

Open space landscaping: 4 plant units per acre (Table 4.110A) – (Not required – see below)

Lot Landscaping: 1 plant unit per dwelling unit as each house is constructed
Street trees: 1 street tree per 50 linear feet of frontage
Bufferyard: A bufferyard is not required

OPEN SPACE:

There is no open space requirement for a housing development in the NC-R1 zoning district.

RECOMMENDATION:

Staff recommends that the Preliminary/Final Plat for Green Acres and the dedication of land for public purposes be approved contingent upon the resolution of the following items:

- 1> An additional 10' utility easement that abuts the road right-of-way be provided across all three lots.
- 2> Easements defined for Lot 1 where the private sewer line will be located on Lot 2.

Commissioner Smith asked Faust to clarify if the current house was still on a septic system? Faust stated that it had been put on the sewer system about three or four years ago.

Commissioner Minden inquired about the requirements for sidewalks to be installed. He stated that the sidewalk would not lead anywhere. Planner Faust reminded the Commissioners that trails and sidewalks were identified in the comprehensive plan survey as a need and in order to provide connecting trails, installation of sidewalks is needed as part of the requirements. Minden felt that they could be required if the City has plans to install sidewalks to connect in the future.

Commissioner Rhodes inquired about what was necessary to install sidewalks on the existing properties, for this area to Wallace Park? Faust stated they would be placed in the existing Right-Of-Way.

Commissioner Smith asked how extensive plans would be for installing walks or trails. Faust stated that future plans are for walks to be from Wallace Park to Hospital Drive. City residents are responsible for installation and maintenance of the walks. It might be possible to form a benefit district to get the system installed. Faust said that there are no current plans to install walks.

Commissioner Rhodes stated that it is possible that walks for Green Acres could remain a walk to nowhere indefinitely. Commissioner Cowman agreed that it is hard to justify installing a walk that goes to nowhere. Faust stated if the walks were installed along Osage they would be heavily used and Commissioners agreed that even the walks along these lots would be heavily utilized.

The Commissioners all agreed that the need for consistency in requirements was important.

City Manager VanderHamm requested the addition of wording on the face of the plat that states these residential lots will be used solely for residential purposes and grass shall be maintained

at a height of less than 12 inches.

Commissioners Rhodes and Cowman made a motion to approve with all conditions including grass maintenance. All Commissioners voted in favor.

Item 4: Water Tower Site Plan: New Water Tower for the Marais des Cygnes Public Utility Authority located near Cottonwood Elementary School.

Planner Faust presented the staff brief and recommendations. The Marais des Cygnes Public Utility Authority and the City of Paola desire purchase a small tract of land and to construct a 750,000 gallon elevated storage tank near the northeast corner of Cottonwood Elementary School property (USD368). This site was identified as early as the mid 1990s (prior to the construction of the school) as the prime location for a water tower to serve Paola as the community grows northward towards the US 169/Hwy 68 interchange.

To service the majority of the northern boundary of the Paola Growth Area, the new tower will have a height of approximately 200' (the concrete base 160' in height with a steel tank (bowl) of 40'). The colors initially selected by the City Council were black and gold to show community support to the Paola Panthers. Upon receiving an 'artist rendering' of what this might look like, it is very possible that the colors may be more 'neutral' with a 'concrete grey' base and a slightly darker bowl (with only the trim in the Panther colors).

The LDO as currently written does not contain specific requirements associated with water towers. A possible comparison between an elevated storage tank and a commercial communication tower (Section 3.334) could be made but there are a number of differences.

In looking at the requirements for a commercial communication tower, the only substantial item that cannot be met with this site is the requirement for a setback equal to the tower height plus 20'. This is a reasonable requirement for a communication tower to avoid adjacent property damage if failure occurs, however the structural design requirements on elevated storage and the corresponding soil investigation should substantially reduce any chance of failure.

STREETS AND SIDEWALKS:

No new streets are being proposed for this development.

As the MDCPUA will only be requesting a 20' access easement along 303rd, no sidewalk is being included.

LOT STANDARDS:

The site being proposed is the 100' x 100' tract (10,000sf) shown on the attached site plan. In the Suburban zoning district (under 'all other uses') a minimum lot size of 4 acres is defined. This is not realistic for a water or communications tower. Typically we see just a 'lease' so the property does not need to be split, however both USD368 and the MDCPUA desire to have this tract in the ownership of the MDCPUA.

ACCESS:

Access to this site is from the gravel portion of 303rd Street near the east property line of the school. There is currently an existing field entrance at this location and it is anticipated that once construction is complete there may be only one or two vehicular trips per week to the tower.

HVAC:

If HVAC units are needed, they will be screened per the land use regulations.

DRIVE:

The MDCPUA is requesting a waiver on the requirement to pave the access drive. This is a non-residential utility drive that will be used one or twice per week.

PARKING REQUIREMENTS:

A maximum of two parking spaces will be needed. The MDCPUA is requesting a waiver on the requirement to pave the required parking.

UTILITIES:

Electric will be the main 'utility' needed at this site. With this said, the MDCPUA will be installing a 16" water main from the west side of Hedge Lane to the new tower (will run parallel to the school's north property line).

OPEN SPACE:

Under 'all other uses' in the Suburban zoning district, no open space is defined.

LANDSCAPING:

A landscaping plan has not been provided at this time. The city will install some trees/shrubs after construction however these will be limited in number as we desire to maintain visibility of the tower base and it is not feasible to screen/buffer a 200' water tower.

FENCING:

The fencing plan shows the site surrounded by a 6' chain link fence. The MDCPUA is looking into bidding the project with (1) a fence and (2) no fence. Section 3.211 (Accessory Uses, Nonresidential) prohibits chain link in this application. Does the Planning Commission feel that chain link should be permitted in this location? (it is our understanding that chain link is not required for security reasons)

RECOMMENDATION:

Staff recommends that the Preliminary/Final Site Plan for the 750,000 gallon elevated storage tank for the Marais des Cygnes Public Utility Authority (MDCPUA) be approved contingent upon the resolution of the following items:

- 1> Granting of a waiver on paving the access drive and any parking.
- 2> Resolution of fencing issues.

Commissioner Minden felt that if they did not allow a chain link fence, but a fence was required, it could mean more maintenance. Faust agreed that a wooden fence could be let to deteriorate.

Commissioner Rhodes inquired why a fence was necessary and Faust stated that Louisburg has a new water tower that does not have a fence and it looks nice, but Paola originally felt that one was needed. The proposal for bidding has been modified to bid with and without a fence.

City Manager VanderHamm and several Commissioners voiced their concern that they did not want a wooden fence, as it could be vandalized or used as a hiding place for students.

Commissioners Smith and Minden stated one of the biggest complaints they hear is that the City does things that others are not allowed. Both felt that there needs to be consistency in application of the requirements. Faust stated that the LDO does allow chain link fences in several applications but there are restrictions on corner lots, however they are not totally prohibited. Businesses are allowed to use chain link fences, but Faust was concerned that this may not be the case for a water tower.

Commissioner Cowman stated that chain link would not be much of a deterrent, but that this could be compared to KCPL since it is a utility. Cowman said he felt the grass would look nicer than a chain link fence. The Commissioners had discussion about the communication tower by Lake Miola and what was done at that location. There was concern about consistency in the application.

Commissioners Cowman and Smith made a motion to approve the site plan with waivers for paving and parking; and a resolution to the fencing.

Commissioner Minden inquired about resolution of the fencing issues. Planner Faust said he understood that the Commission felt that resolution meant that they were agreeable to chain link if the MDCPUA decided to include a fence. Minden agreed, as long as wood was not used.

All Commissioners voted in favor.

Item 5: Items from Staff

Staff received a letter from Mr. Darrel Spoon requesting permission to place a temporary trailer on his lot (Lot 6 of Baptiste Commons) for his dry cleaning service. Mr. Spoon is in the process of constructing the 6 unit strip mall on Lot 5 but this building won't be ready for occupancy for many months. As his lease is ending at his current location, he desires to remain in business during this transition. Dry cleaning will not be occurring at this trailer – it is just a drop off point for his customers.

Staff is looking for direction/guidance from the Commission.

Commissioner Cowman inquired about parking for the customers and if staff had seen a picture of the trailer? He stated it was hard to picture a trailer in the middle of a construction site with elderly people parking on the street to drop off dry cleaning items.

Commissioner Minden inquired about utilizing the city lot across from the existing location. City Manager VanderHamm indicated that the City Council would have to approve that location and it might create other requests that would not be desirable. In addition there was discussion about the liability to the City.

Planner Faust said he would discuss other options with Mr. Spoon and try to come to a resolution that was suitable for the property owner as well as the City.

a> Comprehensive Plan – Jim Kaup & Wynndee Lee:

Mr. Kaup and Ms. Lee were in attendance and talked with the Commission about the status of the update to our Comprehensive Plan. Staff included 2 separate issue papers (one dealing with Recreation and one with Transportation) with the packets. There are other issue papers in work and staff provided input on the Economic Development paper prior to the meeting. Once completed, these issue papers will become chapters in the comprehensive plan.

Jim Kaup handed out issue papers on Economic Development and Housing, as well as results from the Community Survey and the Town Meeting held on April 18.

The Commissioners discussed the issue papers and provided input. They decided it would be necessary to meet prior to the next regularly scheduled meeting on July 18th. The Commission and Mr. Kaup selected Tuesday, July 11th from 6:30 to 8:30 pm as a special work study session for the comprehensive plan.

Item 6: Items from the Planning Commission

There were no items from the Planning Commission at this time.

Item 7: Adjourn

Commissioners Cowman and McLean made a motion to adjourn with all Commissioners voting in favor.