

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING

**PLANNING COMMISSION/
BOARD OF ZONING APPEALS
July 18, 2006**

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

Others Present: Brian Faust, Amy Barenklau, Ross VanderHamm, Brian McCauley, Jim Bracken

Item 1: Consider the minutes for the June 20, 2006 meeting.

Chair Cowman called the meeting to order with the first order of business the consideration of the minutes from the June 20, 2006 meeting.

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

Item 2: Items from Staff

a> Fencing issues in the Paola Growth Area: Staff is seeking clarification to the LDO regarding fencing issues – mainly in the growth area. The main two issues are: (1) After Miami County completes road improvements (they are responsible for roads in the growth area), they have been going back with barb-wire fencing along the roadway, and (2) residents wish to install electric and/or barb-wire fencing to pasture their horses (but they typically have 3 to 10 acres)

It is perfectly permissible to place barb-wire on agricultural land (see below) however in many locations the land would not fall within our definition of ‘ag’. On the typical 3 – 10 acre track, we do not interpret the LDO as allowing barb-wire and/or electric.

Fencing is defined as follows:

Agricultural usage - Section 3.205C: All agricultural accessory uses shall be used exclusively for agricultural purposes.

A. General.

1. Agricultural accessory uses shall be allowed on **property comprised of 20 or more acres used exclusively for agricultural purposes.**
2. Accessory structures must meet the building setback of the applicable zoning district.
3. Street yard plantings (1 plant unit per 100 lineal feet of street frontage) shall be required where an accessory structure is built within 200 feet of any roadway.
4. Corrals shall be exempt from yard requirements.

- B. **Outdoor Storage.** Outdoor storage is prohibited in all required yards (setbacks).
- C. **Fences.** Fences, including barbed wire, shall be permitted along all streets.

Residential usage - Section 3.210C

- C. **Fences.** Fences, except for walls on patio and atrium units (Table 08.141) may be permitted to enclose rear yards subject to the following.
 - 1. **General.** All fences shall be constructed of materials expressly designed for fences. No hog-wire fences or fences made of discarded material shall be permitted. Fences in the front yard shall not exceed four (4) feet in height and shall be constructed of decorative materials (i.e. picket, wrought iron, split rail, etc.). Chain link is not considered decorative material. No fence shall exceed six (6) feet in height.
 - 2. **Developments platted after November 18, 1997.** Fences along streets (front, rear, or side yards - see Figure 03.210) shall be permitted only if specified in the landscaping plan and final plat. The fence design along street frontages shall ensure uniform appearance.
 - 3. **Chain link fences.** No chain link fence shall exceed four (4) feet in height. Chain link fences are prohibited in the front yard. For street yards on corner lots, chain link fence setbacks are as shown in Figure 03.210 D.1. Chain link fences with inserts for opacity are prohibited.

Nonresidential usage - Section 3.211C

- C. **Fences.** Hazardous utilities or other uses requiring fencing, for safety or liability reasons or to prevent access, shall meet the following additional standards.
 - 1. A hedge shall be required around the fenced area where a metal mesh fence is used. The amount of shrubs required shall be installed at four (4) feet on center.
 - 2. If barbed wire is necessary, a double row of shrubs shall be planted, each row at three (3) foot on center and maintained at the fence height.
 - 3. If razor wire or concertina wire is to be used, a metal and/or masonry decorative fence (with approval by the Planning Commission) shall be erected fifteen (15) feet outside the wire fence and surrounded by a two-tenths (0.2) opacity bufferyard.
 - 4. Chain link fences are prohibited except in the I district and for school and day care center playgrounds. Opacity inserts are permitted only in the I district. Location of fences for playgrounds in residential areas shall comply as nearly as practical to Figure 03.210 D.1. The Planning Commission shall approve the location of chain link fences.

Staff is seeking your input on the issue of fencing on larger lots.

The Commissioners indicated they were comfortable with allowing agricultural type fencing, barbed wire/electric fence, in the growth area for agriculture purposes. However, they did not

feel it would be a fit to allow barbed wire or similar type fencing in a subdivision where decorative fencing is used.

b> Signage Associated with the Best Western Hotel: Staff reviewed the signage plan submitted by Spring Star Development and provided a letter of approval. While staff typically approves signage plans, we felt the Commission should be aware of a possible issue with the Best Western Plan – specifically the size of the wall sign on the side façade:

- A maximum of 3 signs are permitted – 3 signs will be used.
- One ground/monument sign is permitted – 1 ground sign (meeting our setback and size requirements) is being used.
- One wall sign on the front façade (10% max) and one wall sign on the side façade (5% max) is permitted – the sign on the front façade (facing US169) is less than **1%** while the sign on the side (facing Baptiste) is approximately **6%** of the side projection. Staff felt that it was appropriate to approve this signage plan however we felt it important to make you aware of the side façade issue.

The Commissioners felt that requests such as this should be considered on a case-by-case basis, and were in favor of the decision made by Staff.

c> Temporary Office – Dry Cleaners (Mr. Darrel Spoon): During the June meeting, the request from Mr. Spoon to locate a temporary trailer was discussed by the Commission. Mr. Spoon wished to located a ‘business’ trailer immediately behind the curb line on Kansas Drive to accept and return dry cleaning until his new business opened. The Commission was uncomfortable approving this for a number of reasons.

Subsequent to the meeting, Mr. Spoon continued to pursue placing a trailer along Kansas Drive and inquired under what conditions this would be allowed. In the discussions between Mr. Spoon, staff, and City Manager VanderHamm, it was determined that the trailer could be permitted under the following conditions:

- Timeframe for usage and removal was provided
- Curb cut was provided directly across from the entrance to Landmark Bank
- Trailer was set off the right-of-way
- Gravel or paved entrance/parking area was provided on the lot
- Upon removal of the trailer, the lot would be reestablished in a mowable condition.

The Commissioners expressed concerns that this will be on a temporary basis only. Staff confirmed that the owner has plans to be in the new building by November of this year. There were concerns if the LDO specifically addressed this type of request. Staff indicated it did not, and these would be reviewed on a case-by-case basis.

d> Temporary Tent Sales – New Century Dodge: Due to construction related impacts associated with the Baptiste Drive improvements, the owner of New Century Dodge requested permission to place a tent and vehicles outside the limits of the construction (i.e. near the Baptiste/US169 Interchange). While no specific location has been selected, the owner is actively pursuing this.

City staff understands that construction does impact a number of businesses and we have a strong desire to see local businesses prosper – their growth helps our growth. If allowances can be made to help a business survive during construction, it should be strongly considered. The city does need to understand that once this is allowed for one business, there may be numerous other businesses that may wish to do something similar.

Commissioners indicated they would be agreeable to the idea, as long as other businesses were allowed similar requests. This is a special situation, as it pertains to the reconstruction of Baptiste Drive.

Commissioners agreed that this should be allowed only on private property.

e> Comprehensive Plan – Jim Kaup & Wynndee Lee:

Mr. Kaup and Ms. Lee were in attendance and visited with the Commission about the status of the update to our Comprehensive Plan. There was discussion about the Housing issue paper and the forthcoming Economic Development paper.

Item 3: Items from the Planning Commission

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

Item4: Adjourn

Commissioners Rhodes and Minden made a motion to adjourn with all Commissioners voting in favor.