

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING

**PLANNING COMMISSION/
BOARD OF ZONING APPEALS
October 17, 2006**

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

Others Present: Justin Givens, Amy Barenklau, Ross VanderHamm, Brian McCauley, James Bracken, Jim Kaup, Wynndee Lee

Item 1: Consider the minutes for the September 19, 2006 meeting.

Chair Cowman called the meeting to order with the first order of business the consideration of the minutes from the September 19, 2006 meeting.

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

Item 2: Re-plat Snyder's Addition: Consider a request for a re-plat to conform to minimum lot size in a Neighborhood Conservation R2 zoning district (800 block of West Wea)

Planner Givens presented the staff brief. Applicant Chris Stallbaumer has requested a re-plat of Lots 3 through 10, Block 8, Snyder's Addition, in order to conform to the minimum lot size in an NC-R2 zoning district. In January 2003, Ordinance #2823 did change the zoning of the lots from Industrial to NC-R2. Mr. Stallbaumer is now requesting the re-plat for the development of several homes.

Per the LDO, minimum lot width for this district is 50 feet. Currently, the lots are 25 feet. The approval of this re-plat will allow for the legal development of these properties. The re-plat will combine; lots 3 and 4, lots 5 and 6, lots 7 and 8, and lots 9 and 10, creating the minimum lot sizes.

Recommendation:

It is recommended that the Planning Commission approve the re-plat as submitted.

Commissioners Cowman and Gage made a motion to approve the re-plat as submitted. All Commissioners voted in favor.

Item 3: Re-plat: Prairie Place Condominiums – Consider a request for a re-plat to enable the sale of apartments as condominiums.

This item was pulled from the agenda as it was not ready to be presented due to some necessary changes on the documents.

Item 4: Update: New S-2 Zoning District

Planner Givens presented the staff brief. At the request of the Planning Commission, Staff and Mr. Kaup have been working on constructing a zone that would allow for more dense development in the Suburban zoning district.

The S-2 zoning district will allow for the higher density use that developers and the Commissioners have requested while still working within the LDO. There are several ways to implement the change.

1. Adopting the zone as a text amendment to the LDO.
2. Select and map areas to be re-zoned and conduct public hearings.

Recommendation:

For discussion purposes – no action to be taken.

Jim Kaup reviewed the chain of events that had led to the proposed text amendments. City Manager VanderHamm asked if Planner Givens could create a table for developers laying out the current Suburban requirements and the new S2 requirements so they can see the difference at a glance. The hope is to convince them to re-zone as S2 zoning instead of Thoroughfare Access.

Commissioner Rhodes inquired about necessity for a denser zoning district or if the S2 zoning would still limit the developers too much. There was discussion about lot sizes and mixture of lot sizes according to the size of the house plan the builder chooses.

Planner Givens stated that the amendments can be adopted by reference or by mapping. There was discussion as to rationale for which process was most appropriate. Jim suggested that the city not do both simultaneously, but they could be done in a close timeframe.

Commissioner Rhodes asked if the City initiates the map rezoning what the Citizens would perceive as an impact to their property values.

The Commissioners discussed moving forward with the text amendments to the LDO for the S2 zoning district.

Commissioners Cowman and Rhodes made a motion to move forward with adoption of the S2 zoning district text amendments to the LDO. All Commissioners voted in favor.

Item 5: Update: Comprehensive Plan update and review – Jim Kaup and Wynndee Lee

Planner Givens presented the staff brief. Tonight's meeting is one of several meetings with Jim Kaup and Wynndee Lee as consultants for the city's comprehensive plan. On Monday, October 9, 2006, Planner Givens met with Ms. Lee and Mr. Kaup in his Topeka Office for review of and to make comments on the comprehensive plan. It was a productive meeting and having made several changes and modifications it was decided to present the plan in draft prior to a public hearing.

Mr. Kaup and Ms. Lee have made several amendments to the plan and will be highlighting the changes and reviewing the document as a whole.

Recommendation:

It is recommended that the Planning Commission approve the plan to form and schedule a public hearing on November 21, 2006.

The Commissioners discussed the changes and noted that they were missing several pages. They stated that they would like to have more time to review the document and requested a black-lined version so they could view the changes that have been made prior to scheduling a public hearing. They also requested a land use map for viewing before they made comments on any changes.

Jim and Wynndee determined that they would be able to meet with Staff and have a preliminary land use map to present, as well as a black-lined version of the comprehensive plan within two weeks. Staff agreed that they would meet with Jim and Wynndee to work on a suggested land use map to be submitted to the Commissioners prior to next month's meeting.

Item 6: Items from Staff

a> Open space Requirement Review

Based on conversations with Jim Kaup and Wynndee Lee, staff has determined several scenarios which may be more attractive to builders/developers when it comes to the Open Space Requirements in the LDO.

1. Continued use of LDO requirements – presently the LDO requires in the Suburban Districts a range of 10 to 45 percent of land be preserved as open space. Developers could continue to use the current standards.
2. Incentive Based Deductions – Based on a set standard of criteria developers could have the amount of Open Space required reduced in their development. Criteria could include but be not limited to:
 - A dedicated facility to the City

- A linked open space – such as a trail or path or park that adjoins existing open space
3. Fee in Lieu of Dedication – a trust could be set up by the city to help ensure the proper maintenance of existing dedicated open space or a land acquisition fund for the purpose of establishing new parks and open space for the city.

Based on the criteria set a developer could use both options and gain a significant amount of developable space while still providing residents with desired open space. For instance if a developer were to link a walking trail to an existing or planned trail where his open space requirement would have been 35%, this may allow for a reduction of 10%. Now his open space requirement would be only 25%. Next he could contribute a set amount based on the open space required to the trust fund and reduce his open space further by another 5%.

Under this system the developer would have gained an additional 15% of the developable land. The residents would have access to a walking trail and the city would have funding to help ensure the proper maintenance of the trail.

Again this is theory only for Paola right now, but other communities use similar programs and this could be seen as a way to ensure that open space is still preserved in new developments but also lessen the burden on the developer and the city.

Staff discussed with the Commissioners the different options available, as well as discussion about rationale for open space. Justin Givens spoke about developers working together to have common parks, the city plans for a master trails plan. Commissioner Rhodes inquired about the idea behind requiring open/green space.

Commissioner Gage talked about the additional maintenance that dedicated facilities would place on the city. He inquired if that was a feasible option based on financial and manpower availability.

Commissioner Gage asked if a definition for green space and open space could be developed to help differentiate and for clarification.

Jim Kaup and Wynndee Lee suggested that another option might be considered. They suggested that a calculation for builders who install a pre-determined additional percentage of landscaping above the required minimum could lower their open space requirement. Another idea would be for developers to dedicate ‘more desirable’ land to the City for parks or use could lower an open space requirement.

It was suggested that the options could be presented to developers and builders and they could decide if they wanted to decrease their open space by selecting one of the options that would be available.

b> Zarco 66 sign

The city received a formal complaint about the Zarco 66 “Welcome to Paola” sign located at 1005 N. Pearl. It is the understanding of staff that Mr. Zaremba did approach staff about the placement of the sign in theory, but never submitted a plan nor was a sign permit ever issued. An on site meeting took place with Mr. Zaremba, Brian Faust, and other Public Works employees prior to the sign placement. Mr. Faust instructed that no logo or business name would be acceptable on the sign.

After a site visit the sign does appear to be in violation of the sign regulations of the LDO. Section 07.103 requires a signage plan to be submitted. No sign plan or permit was received for the property. Section 07.104 prohibits all off-premise/advertising signs. In addition to “Welcome to Paola” the sign does include the Zarco 66 logo. The sign most likely is located in the Right-Of-Way and not on the owner’s property.

Planner Givens stated he would be sending a letter to Zarco indicating that a variance could be requested.

Commissioner Gage stated he had asked if they were aware that there is a process to go through. He also stated it is a nice addition to that area of town.

Planner Givens indicated that staff was aware this would be a topic of discussion and wanted the Commissioners to know that staff was working on the item and they should see a variance on the sign in the upcoming months.

Item 7: Items from Commissioners

There were no items from the Commissioners at this time.

Item 8: Adjourn

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