

**MINUTES OF THE REGULAR PLANNING COMMISSION MEETING**

**PLANNING COMMISSION/  
BOARD OF ZONING APPEALS  
February 20, 2007**

**Commissioners Present:** Cowman, McLean, Gage, L. Smith, Rhodes, Wrischnik

**Others Present:** Justin Givens, Ross VanderHamm, Brian McCauley, Amy Barenklau, Bill Brewer, Charlie Smith

**Item 1: Consider minutes for the January 16, 2007, Comprehensive Plan Public Hearing and Work Session meetings.**

Chair Cowman called the meeting to order with the first order of business the consideration of the minutes from the January 16, 2007 meeting.

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

The next item for consideration was the minutes from the Comprehensive Plan Public Hearing held January 18, 2007.

*Commissioners Cowman and McLean made a motion to approve the minutes from the Public Hearing as submitted with all Commissioners Smith, Rhodes and Wrischnik in favor. Commissioner Gage abstained as he was not present.*

The minutes from the February 8<sup>th</sup> work study session were next for consideration.

*Commissioners Cowman and Gage made a motion to approve the minutes from the study session as submitted with all Commissioners voting in favor.*

**Item 2: Preliminary Development Plan Analysis – Consider a Preliminary Development Plan for BOW Properties**

Planner Givens stated that one of the applicants, Bill Brewer, was present. He then presented the staff brief. BOW Properties have submitted a Preliminary Site / Development Plan for a project at the corner of Peoria and Silver. This is the second attempt that they have made at developing this lot. The first project called for 3 stories and 28 residential units to be placed on the corner lot. This project takes a different approach blending residential use and commercial space.

**Analysis:** The staff review sheet was provided for consideration. As always, parking will be an issue for any Downtown business. They have provided the required 8 spaces for the residential

units in underground parking (which will be fully sprinkled). The parking credit for on street parking is five spaces. The bulk of the spaces need to be accounted for. Most like in public parking spaces or neighboring lots. In discussion with the owners, they felt that to protect the residents upstairs, restrictive covenants would be placed on the retail spaces to ensure a certain quality of life and protect the apartments from future uses that would be incompatible with residential living. Other outstanding issues are noted in the Site Review and should be worked out prior to a final Site / Development Review.

**Actions:**

1. Recommend the Approval of the Preliminary Site / Development Plan to the City Council.
2. Not recommend the approval of the Preliminary Site / Development Plan to the City Council.
3. Table the matter for further study, information, or discussion.

**Recommendation:** It is staff's recommendation that the Planning Commission recommend the approval to the City Council.

The Commissioners stated this addition to the Square would create a need for the parking in the City lot on Silver Street. Commissioner Rhodes agreed that this is a unique building spot and that some understanding of shared parking would be understood, the others agreed.

Planner Givens stated that there were several issues that would need to be resolved before the Final Plan was presented, but felt that the applicant and staff would be able to work through outstanding issues and have resolved prior to a Final Plan.

The Commissioners stated that they would like to see color and material information when the Final Plan is submitted.

The Commissioners inquired about security for residents and the retail tenants, and viewed a preliminary floor plan of the residential units. Signage plans were discussed and the Commissioners were informed the parking area will be sprinkled.

*Commissioners Cowman and Rhodes made a motion to recommend approval of the Preliminary Site and Development Plan for BOW Properties to the City Council. All Commissioners voted in favor.*

Planner Givens informed the applicants that it would be forwarded to the City Council for their meeting the following Tuesday.

**Item 3: Preliminary Site Plan Analysis – Consider a Preliminary Site Plan for Charlie Smith**

Planner Givens stated that the applicant was in attendance and then presented the staff brief. Charlie Smith is presenting a Site Plan for review for a new building to be located on Hospital Drive just south of Baptiste Drive. The location will be the new home for Smith's Appliance. Mr. Smith has worked with the previous planner on building at the location as several of our requirements have changed since the lot was originally platted. One problem that was identified originally was the lot size, it was suggested and since has been granted a vacation of the Right-Of-Way on Railroad Street, which gives Mr. Smith enough rear lot room to provide employee parking and loading as well as a secondary access to the property.

**Analysis:** A Preliminary Site Plan Review has been provided.

**Issue:** Does the Planning Commission wish to recommend the Preliminary Site Plan to the City Council.

**Actions:**

1. Recommend approval of the Preliminary Site Plan to the City Council
2. Not recommend the approval of the Preliminary Site Plan
3. Table the matter for further discussion, information, or study

City Manager VanderHamm confirmed with Charlie that loading and unloading would occur at the rear of the building.

Commissioner Cowman inquired about the lot being less than 50% of the required lot size and what would need to happen. Planner Givens indicated that a variance would have to be requested and approved before a Final Plan could be submitted and that staff would work with the applicant through that process.

Commissioner Cowman asked if the parking requirements would be met. Planner Givens indicated that 5 were necessary and that Charlie had provided 4 in front of the building and there would be additional parking at the rear of the building. Commissioner Cowman inquired about sidewalk requirements and Givens indicated that he would confirm that it was necessary. Mr. Smith indicated if it was needed he would install it.

Commissioners inquired about signage and Charlie indicated he plans to have an illuminated sign on the front of the building, one on the North side and a monument sign in front.

*Commissioners Cowman and McLean made a motion to recommend approval of the Preliminary Site Plan for Smith's Appliance to the City Council. All Commissioners voted in favor.*

**Item 4: Future Land Use Map Recommendation** – Consider the Future Land Use Map for recommendation to the City Council

Planner Givens presented the staff brief. As part of the Comprehensive Plan Update, a Future Land Use Map is suggested to help guide the growth of the community. At the January hearing, several questions and concerns were raised about the Future Land Use Map. It was suggested and ultimately decided to recommend the Comprehensive Plan to the City Council but hold back the Future Land Use Map for further study.

**Analysis:** Many of the questions or concerns centered around the Mixed Use areas that were designated on the map. Especially in relationship to those areas that included Industrial Uses.

**Issue:** Does the Planning Commission want to recommend the Future Land Use Map to the City Council?

**Actions:**

1. Recommend the Approval of the Future Land Use Map to the City Council.
2. Not recommend the approval of the Future Land Use Map.
3. Table the matter for more discussion.

**Recommendation:** It is staff's recommendation that the Planning Commission approve the Future Land Use Map for adoption with the Comprehensive Plan by the City Council.

Commissioner Cowman stated the reason the map was not recommended for approval at the public hearing was that they wanted one more chance to make sure that all Commissioners were comfortable with the map before recommending it to the City Council.

Several Commissioners inquired about specific properties and locations. There was clarification and discussion amongst the Commissioners, staff and City Manager VanderHamm.

*Commissioners Rhodes and Gage made a motion to recommend approval of the Future Land Use Map to the City Council. All Commissioners voted in favor.*

**Item 5: Paola Tree Board** – text amendment recommendation

Planner Givens stated that he pulled this item prior to the meeting.

**Item 6: Possible Text Amendments** – Landscaping requirements of the LDO

Planner Givens presented the staff brief. As part of the standard review process that we should maintain to keep our LDO a working document, staff has been asked to review the requirements for the numbers and size of shrubs that are required in a Standard Plan Unit and all Alternative

Plant Units. Often times the size of the shrubs delays the issuance of a Final Certificate of Occupancy.

**Analysis:** Shrubs are required to be 3 feet high and vary in number from 3 to 13 depending on the type of plant unit being used. It would be my intention that the intent of the landscaping requirements in the LDO is to provide ground cover and minimize run-off, as well as creating mature looking sub-divisions. I feel that the numbers of shrubs is effective at this time, but the size requirement is restrictive in price and sometimes unachievable. After discussing this matter with Master Gardeners, Landscape Designers, and Builders an alternative to the height requirement would be a gallon size.

**Issue:** Does the Planning Commission want to schedule a Public Hearing to consider text amendments to the LDO in the landscaping especially pertaining to the required shrub height.

**Actions:**

1. Schedule a Public Hearing on March 20, 2007 at 5:00 pm at the Paola Public Works Center to consider a text amendment to the Paola Land Development Ordinance.
2. Leave the requirements as stated in the Land Development Ordinance.
3. Table the matter for further discussion

**Recommendation:** It is staffs recommendation that the Planning Commission schedule a public hearing to consider the text amendments to the LDO

Planner Givens explained that most of the builders are not meeting requirements as it is hard to locate the types and sizes of shrubs that are required by the LDO. After research, it was determined that gallon size requirements would be easier to meet and more readily available.

Commissioner Cowman agreed that it would be hard to meet LDO requirements if the shrubs were not available.

*Commissioners Rhodes and Cowman made a motion to schedule a public hearing to consider a text amendment to the LDO. All Commissioners voted in favor.*

**Item 7: Items from Staff**

Staff and this Commission have been asked to review the current Planning and Zoning fee schedule to determine if the charges are appropriate or if fees should be increased.

**Issue:** Should the City of Paola increase its Planning and Zoning Fees?

**Analysis:** I have provided charts on corresponding fees with other cities in the area to give some idea as to what other jurisdictions are charging. As shown, the City of Paola charges less than most other communities in the area for Planning and Zoning Fees.

Would or could an increase in fees hinder development in Paola?  
Should fees be comparable to other jurisdictions?  
If an increase is recommended – how much should that be?

**Actions:**

1. Recommend to the City Council an increase in the Planning and Zoning Fees.
2. Not recommend an increase in the Planning and Zoning Fees.
3. Table the matter for further discussion.

Commissioners and staff had discussion and were unable to determine the last time that planning fees had been adjusted. Commissioner Cowman felt that costs to operate have increased and it is probably time to raise fees that are charged and said if it is a fee that is never charged it might not need an adjustment.

City Manager VanderHamm explained that all fees go directly to the general fund and that if there is a loss the taxpayers are subsidizing the fees.

Commissioner Smith felt that since Louisburg had gone through this recently, they might be a good place to start.

*The Commissioners agreed that staff should submit a fair and reasonable recommendation for consideration.*

**Item 8: Items from Commissioners**

Commissioner Rhodes inquired about activities at the building in the 200 block of North Silver.

Commissioner Cowman inquired about aluminum frames behind a house in the 400 block of South Pearl.

Commissioner McLean inquired about a building across property lines on Old Kansas City Road; a couple of nuisances and storage of trailers on a couple of properties.

**Item 9: Adjourn**

*Commissioners Rhodes and Cowman made a motion to adjourn the meeting with Commissioner Gage opposed and all others in favor.*