

# MINUTES OF THE REGULAR PLANNING COMMISSION MEETING

## PLANNING COMMISSION/ BOARD OF ZONING APPEALS

April 17, 2007

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

**Others Present:** Justin Givens, Ross VanderHamm, Brian McCauley, Amy Barenklau, Ericka Smith, Chad Wiswell, Bill Gregoric, Dick Allenbrand, Vic Burks, Charlie Smith

**Item 1: Consider minutes from the March 20, 2007 meeting**

Chair Cowman called the meeting to order with the first order of business the consideration of the minutes from the March 20, 2007 meeting.

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

**Item 2: Preliminary & Final Plat Approval – Consider approval of a Preliminary and Final Plat for Hidden Meadows Estates**

Planner Givens presented the staff brief. The variance for the reduction in Right-of-Way will be following at the May meeting. Hidden Meadows is a 59-lot single-family village home development located between Indian Hills and Prairie Place. The property is zoned Thoroughfare Access and single-family village homes are allowed. A preliminary plat was presented to the commission in September of 2005. Much of the same elements to that original plat are still applicable to this version. A variance request will be presented to the Planning Commission at the May meeting asking for a reduction in the required Right-of-Way to conform to existing developments and the proposed access point for this new sub-development.

**Analysis:**

Article 10 of the LDO provides for standards for the layout and design of subdivision and land development. These standards are consistent with Paola's community character by ensuring that:

- A. The development contributes to the development of Paola as a community and is integrated into the neighborhood in which it is built.
- B. The plan preserves or enhances the character and the quality of the City and neighborhood.
- C. The street and road system is created in a manner that is safe and provides the best overall layout for the community as well as the individual development.
- D. Developments are functional and internally safe to the greatest degree possible, without reducing the permitted density or increasing adverse impacts on the environment and adjoining properties.

Staff feels that all of the above standards are met in the Hidden Meadows plan. The design will be consistent with that of Heatherwood across the street, exceed the standards of design of Indian

Hills, and blend seamlessly with Prairie Place. In addition, the road design will provide safe travel for the residents of the sub-development as well as the city at large.

#### **SECTION 10.110 GENERAL STANDARDS**

The design of a subdivision is evaluated against the following design standards. Subdivision review shall check for these elements, and design modifications may be required. The purpose is to evaluate the design -- more specifically, the manner in which uses, lots, drainage, and roads relate to the site and adjoining land. The purpose is not to review or modify the proposed use or intensity; these requirements shall be in accordance with the district in which the development is proposed.

- A. The subdivision plan shall protect the site's natural resources as provided by this Ordinance with highest quality resource areas having the highest preservation priority. Specimen trees shall be identified and protected.

*Staff will work with the developer before any construction to ensure the preservation of specimen trees and minimize the impact of existing natural resources. The plan also calls for a nature park open to the public for its required open space.*

- B. The subdivision plan shall provide for well-proportioned and oriented lots that relate properly to roads and open space.

*All lots fit well with the planned roads and open space*

- C. The plan shall promote the best design for the use of the property in relation to the development's uses and adjoining portions of the neighborhood.

*The plan was modified to create a new access point that will serve the development better as it will not use a private road but rather a public street and that street has been designed to adjoin existing streets.*

- D. Traffic and circulation shall be designed to provide adequate and safe conditions for the proposed uses and those on adjoining properties or streets.

*The plan does promote a circulation plan that is adequate and safe for a residential neighborhood*

- E. The drainage and utilities shall be efficiently integrated into the design and shall avoid off-site impacts.

*An approved drainage study will be provided to ensure adherence to Paola's standards. In addition, the nature area can include drainage solutions to minimize off-site impacts*

- F. The subdivision landscaping layout shall promote the district's qualities and character. The bufferyard landscaping shall be located to achieve the screening objectives and, where possible, enhance open space objectives.

*A separate landscape plan will be provided and approved prior to the issuance of any building permits*

- G. The standards shall be reviewed to determine if modulations in zoning or infrastructure design would assist in improving the development's quality or preserve natural resources while maintaining density.

*As discussed previously a 50' ROW should be applied to this plan*

- H. Applying the standards above is intended to permit plan modifications to improve design, but not to require site density reduction. The design review shall focus on revising the site plan by altering roads, lots, landscaping, or other plan elements= location, not by altering development intensity.

**Lot Standards**

Total Lots = 59

Lot Area Required 8500 sq. ft. (Single Family Conventional)  
6000 sq. ft. (Single Family Village Homes)

Lot Area Provided All residential lots meet or exceed 8500 sq. ft.

Minimum Lot Width 60'

All residential lots meet or exceed 60' at the building line

Street Yard Required 25' Single Family Conventional  
12' Single Family Village Homes

Street Yard Provided 35' Lots 1 – 42 and Lots 49 – 59  
25' Lots 43 – 48 – structures on these lots will set closer to the road, which will allow them to fit better with existing houses in Indian Hills as well as avoid encroachment to the floodplain in the rear of the development.

Maximum Gross Density Required 4.15

Gross Density Provided 2.83

Open Space Required 12% - 20.84 acres = 2.50 acres

Open Space Provided 2.64 acres in Tract B – Hidden Meadows Nature Park

**Streets**

Required 60' ROW – 28' Back to Back Traditional Road

Provided: A 28' Back to Back road will be provided, while the provided ROW is being reduced from 60' to 50'. A variance request will be presented at the next meeting. This ROW reduction is needed and logical in two parts. First the roadway that will be used to enter the sub-development is only 50'. Also, Redbud Drive is a 50' ROW and that road will be continued through this development. The developers have proposed a greater setback than required to maintain the distance from house to house as a traditional 60' ROW would provide.

**SECTION 10.120 STREET LAYOUT**

B. **Cul-de-sacs.** A cul-de-sac's length shall be dictated by the number of lots with street frontage. Cul-de-sacs shall not serve a total of more than sixteen (16) lots, except where topography, open space, or resource protection dictates (see Section 08.151). Lengths of six (6) to fourteen (14) lots are preferred.

Cedar Court serves 13 lots – the name of this street could cause confusion, as a Cedar Street exists in the Heatherwood development.

Redbud Court serves 7 lots

**Sidewalks**

As these are residential streets sidewalks will need to be provided on one side of the street. While no sidewalk plan has been submitted Staff will work with the developer to ensure that sidewalks match with existing sidewalks in the area and that they are built to city standards including ADA regulations.

### **Landscaping Plan**

A separate landscaping plan will need to be presented to include street trees and other LDO requirements.

### **Drainage Plan**

A drainage study is currently being performed and Staff will ensure that the APWA 5600 standards are met. Tract B can be used for stormwater detention if the study requires such.

### **Issue:**

Does the Planning Commission wish to recommend the approval of the Preliminary & Final Plat to the City Council?

### **Actions:**

The Planning Commission may;

1. Recommend the Preliminary and Final Plat to the City Council;
2. Deny the Preliminary and Final Plat Approval
3. Table the matter for further study or information

### **Recommendation:**

It is staff's recommendation that the Planning Commission recommend the Preliminary & Final Plat to the City Council contingent upon:

1. Approval of a Variance from 60' Right of Way to 50'
2. Proper re-platting of the un-developed portion of Prairie Place
3. An Approved Stormwater Detention plan that meets the APWA 5600 standard
4. An Approved Landscaping Plan
5. Proper transfer of City Right of Way for access road

Commissioner Gage asked if the measurements on Cedar Court were on an arc or on a straight. He also inquired if the frontage minimums were met. The applicant indicated that the measurements were on the radius and that lot frontage minimum at the build line are met.

Planner Givens inquired if Cedar Court could be renamed to avoid any confusion with Cedar Street in Heatherwood. Dick Allenbrand indicated that the applicant was looking at changing some street names to avoid any possible confusion.

The Commissioners inquired if the sidewalks on back lots would match up with those in Indian Hills? Planner Givens and Dick Allenbrand indicated they would review and ensure that walks either match up or transition appropriately.

Commissioner Cowman clarified that the Preliminary Plat was for all 59 lots and that the Final before them was for only 27 lots. Givens stated he was correct, the Final was for Phase I.

Commissioner Rhodes inquired about the sewer easement noted on lots 12 and 13 of the plat. Dick Allenbrand clarified that that easement would need to be vacated.

*Commissioners Gage and Rhodes made a motion to approve the Preliminary and Final Plats for Hidden Meadows with the suggested conditions. All Commissioners voted in favor.*

**Item 4: Conditional Use Permit** – Reconvene a Public Hearing to consider a Conditional Use Permit application for Longhorn Ranch Trailer Sales 803 Baptiste Drive

*Commissioners Cowman and Gage made a motion to reconvene the public hearing tabled at the March 20, 2007 meeting. All Commissioners voted in favor.*

Commissioner Gage asked for clarification of the types of work to be performed in the service bays. Chad Wiswell stated it would be minor repairs and installations such as lights, brakes, accessories and minor repairs. All major work would be sent off-site for completion. Commissioner Gage asked if there was a vehicle to move all the trailers and where it would be parked. Mr. Wiswell indicated it would be driven home at night most of the time.

Commissioner Gage stated that the lot seemed crowded with 9 trailers and one truck. Mr. Wiswell indicated that there were 3 trucks on the lot, one of which needed truck repairs, on the day of the meeting.

Planner Givens stated that the applicants had an agreement with New Century Dodge for any overflow trailers. Mr. Wiswell stated that the average number of trailers on the lot is 7 to 8; repairs normally occur the same day or next and then are gone.

There were no additional comments from those in attendance.

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

Commissioner Cowman stated he felt that 15 trailers might be too many with 9 on the lot and 6 on the overflow lot. Commissioner Wrischnik inquired if trailers in the service bays would be counted towards the total and Commissioner Cowman indicated he would not count those towards the total.

Bill Gregoric, New Century Dodge, indicated the dealership had plenty of room for the overflow trailers and that the dealership is also the property owner for 803 Baptiste Drive.

Commissioner Gage stated that it was important that the 15-foot parking setback was adhered to by the applicant. If parking occurs in that setback, it blocks the view.

Commissioners Rhodes inquired about the history of the gravel lot. Commissioner Cowman stated it has been gravel since the building was built in the late 1970's. Commissioners Rhodes

stated he would like to see it improved prior to the one-year renewal, due to the possibility of any tenant moving or deciding not to renew a CUP. Commissioner Cowman stated that the Planning Commission had required Miami County Import Auto to pave their lot prior to opening for business as a condition of their CUP. He stated he would need a real good reason to not have the same requirement for this CUP.

Planner Givens stated he felt it was reasonable to not require the lot to be hard surfaced until after the Baptiste project was completed.

Commissioner Gage stated that the property owner might check with the crew doing the Baptiste Drive project and see if they could get a deal due to the work. City Manager VanderHamm agreed and said that the City was having some work done to streets while the crew is working on Baptiste.

Bill Gregoric stated that they intended to have the lot asphalted, but would like the one-year extension.

*Commissioners Cowman and Rhodes made a motion to approve the Conditional Use Permit at 803 Baptiste Drive with the following conditions: maximum of 15 trailers on lot and on the overflow lot; Hours of 7am – 7pm, Monday – Saturday; an approved landscaping plan and installed prior to the one-year renewal; CUP review after one-year; approved signage plan; lot paved within 30-days of the Baptiste Drive project being completed and open. All Commissioners voted in favor.*

Commissioner Rhodes explained to the applicants that that landscape and sign plans are simple things that can be submitted to Justin for approval. Commissioner Cowman told the applicants that the final decision on the paving will be up to the City Council the following Tuesday.

**Item 3: Preliminary & Final Plat Approval** – Consider approval of a Preliminary & Final Plat for Pinnacle Point – Block 58 City of Paola

Planner Givens presented the staff brief. Pinnacle Point is a re-plat of Block 58 in the City of Paola. This block is on the south side of Ottawa Street between Diamond and Iron Streets. The property was rezoned in 2006 from Suburban to NC-R2. This heavily treed lot abuts the Bull Creek floodplain. The proposed land use will call for a series of multi-plexes that will be located towards the front of the lot to avoid encroaching on the floodplain and will blend seamlessly with the existing Housing Authority land in the area. A vacation of Diamond and Iron Streets is scheduled for the April 24, 2007 City Council meeting. This vacation will allow expanded lot sizes to accommodate the proposed use.

**Analysis:**

Article 10 of the LDO provides for standards for the layout and design of subdivision and land development. These standards are consistent with Paola's community character by ensuring that:

- A. The development contributes to the development of Paola as a community and is integrated into the neighborhood in which it is built.
- B. The plan preserves or enhances the character and the quality of the City and neighborhood.
- C. The street and road system is created in a manner that is safe and provides the best overall layout for the community as well as the individual development.
- D. Developments are functional and internally safe to the greatest degree possible, without reducing the permitted density or increasing adverse impacts on the environment and adjoining properties.

Staff feels that the applicable standards are met in this proposed plan. The proposed land use fits the area and provides for structures that will use the property to the fullest extent possible.

**SECTION 10.110 GENERAL STANDARDS**

The design of a subdivision is evaluated against the following design standards. Subdivision review shall check for these elements, and design modifications may be required. The purpose is to evaluate the design -- more specifically, the manner in which uses, lots, drainage, and roads relate to the site and adjoining land. The purpose is not to review or modify the proposed use or intensity; these requirements shall be in accordance with the district in which the development is proposed.

- A. The subdivision plan shall protect the site's natural resources as provided by this Ordinance with highest quality resource areas having the highest preservation priority. Specimen trees shall be identified and protected.

*Staff will work with the developer before any construction to ensure the preservation of specimen trees and minimize the impact of existing natural resources. The proposed structures will be placed to minimize adverse impact to the existing conditions.*

- B. The subdivision plan shall provide for well-proportioned and oriented lots that relate properly to roads and open space.

*All lots fit well with the existing roads and open space*

- C. The plan shall promote the best design for the use of the property in relation to the development's uses and adjoining portions of the neighborhood.

*The proposed planned housing will be in character to existing uses in the neighborhood. Single-family conventional housing would not fit the character of this area, as it is adjacent to public housing.*

- D. Traffic and circulation shall be designed to provide adequate and safe conditions for the proposed uses and those on adjoining properties or streets.

*No new roads are planned. The roads that will be vacated have never been developed and most likely never would be based on existing conditions and land use.*

- E. The drainage and utilities shall be efficiently integrated into the design and shall avoid off-site impacts.

*An approved drainage study will be provided to ensure adherence to Paola's standards.*

- F. The subdivision landscaping layout shall promote the district's qualities and character. The bufferyard landscaping shall be located to achieve the screening objectives and, where possible, enhance open space objectives.

*A separate landscape plan will be provided and approved prior to the issuance of any building permits*

- G. The standards shall be reviewed to determine if modulations in zoning or infrastructure design would assist in improving the development's quality or preserve natural resources while maintaining density.

*The housing plan calls for structures that can fit within current zoning regulations while minimizing the impact on the natural resources of the area.*

H. Applying the standards above is intended to permit plan modifications to improve design, but not to require site density reduction. The design review shall focus on revising the site plan by altering roads, lots, landscaping, or other plan elements= location, not by altering development intensity.

**Lot Standards**

Total Lots = 3

Lot Area Required 7500

Lot Area Provided Lot 1 35,412 - Lot 2 35,414 – Lot 3 35,412

Minimum Lot Width 50’

All residential lots meet or exceed 50’ at the building line

Street Yard Required 25’

Street Yard Provided 25’

Maximum Gross Density Required N/A

Open Space Required 0

Open Space Provided N/A

**Streets**

No new streets will be required and existing streets are sufficient for the proposed use.

**Sidewalks**

As these are residential streets sidewalks will need to be provided on one side of the street. While no sidewalk plan has been submitted, Staff will work with the developer to ensure that sidewalks match with existing sidewalks in the area and that they are built to city standards including ADA regulations.

**Landscaping Plan**

A separate landscaping plan will need to be presented to include street trees and other LDO requirements.

**Drainage Plan**

A drainage study is currently being performed and Staff will ensure that the APWA 5600 standards are met.

**Issue:**

Does the Commission want to recommend the approval of the Preliminary and Final Plat of Pinnacle Point to the City Council?

**Actions:**

The Planning Commission may;  
Recommend the Preliminary and Final Plat to the City Council  
Deny the Preliminary and Final Plat  
Table the matter for further consideration

**Recommendation:**

It is staffs recommendation that the Commission recommend the approval of the preliminary and final plats to the City Council contingent upon;

1. Corrected Preliminary Plat with;  
    Applicable Zoning Districts  
    Conformation of Easements Referenced in the Title Policy  
    The Proposed Use of Land
2. Corrected Final Plat with;  
    Applicable Zoning Districts  
    A statement that the cost of upgrading the streets may be assessed to the property owners, as provided by Kansas law, and the right to protest the establishment of a benefit district is waived.

City Manager VanderHamm stated that the vacation was on the Council Agenda for the following Tuesday; if not granted, then no plat.

*Commissioners Cowman and Smith made a motion to approve the Preliminary and Final Plat for Pinnacle Point with the recommended conditions. All Commissioners voted in favor.*

Commissioner Rhodes excused himself from the meeting.

**Item 5:       Text Amendment to the LDO** – Schedule a Public Hearing to consider an amendment to the Land Development Ordinance – Rear Lot Electrical Distribution Systems

Planner Givens presented the staff brief. The City has received notice from Kansas City Power & Light that without a local ordinance they will no longer provide rear lot distribution systems to new sub-developments. Staff has reviewed the matter with the City Manager and it has been determined that a text amendment to the LDO is the most logical manner in which to accomplish such an ordinance that will require rear lot distribution systems.

**Analysis:**

Division 12.150 Underground Utilities provides for requirements of new utilities. This is best location to include a rear lot requirement for electrical distribution systems. When not warranted electric distribution systems in front yards are eyesores as well as more hazardous in location. Jim Kaup was contacted on this issue and after receiving the KCP&L directive and staffs original draft for a text amendment provided the following sample text amendment;

1. Electric distribution systems shall be located at the rear of lots except where the property owner makes a written request to the Zoning Administrator for installation elsewhere on the property due to topographic and/or cost considerations which, in the sole discretion of the Zoning Administrator, outweigh the benefits resulting from rear lot installation and such alternate location will not result in adverse consequences for neighboring properties or the community.

After review and further discussion staff is presenting the following for consideration as a text amendment to the Land Development Ordinance.

Electric distribution systems shall be located at the rear of lots except where the property owner makes a written request to the Zoning Administrator for installation elsewhere on the property due to topographic conditions which, in the sole discretion of the Zoning Administrator, outweigh the benefits resulting from rear lot installation and such alternate location will not result in adverse consequences for neighboring properties or the community.

Staff feels that removing the cost consideration provision from the text would eliminate situations where developers either are “blackmailed” by KCP&L with increased costs for providing rear lot distribution systems or simply as for relief based on perceived cost savings. Topographical considerations should be the only reasons for deviating from this standard.

**Issue:**

Does the Commission wish to schedule a Public Hearing for a text amendment to the Land Development Ordinance requiring electrical distribution systems to be located in the rear of lots for new sub-developments.

**Actions:**

- 1) Set a Public Hearing for a Text Amendment for the May 15<sup>th</sup> Planning Commission Meeting
- 2) Defer any action to the City Council

**Recommendation:** It is staffs recommendation that the Planning Commission set a public hearing date for a Text Amendment for the May 15<sup>th</sup> Planning Commission meeting.

Commissioner Gage mentioned that if it was left to owners or builders, there would be no standard, every lot would be different. Commissioner Cowman asked if the placement would be determined when the subdivision was platted. Planner Givens stated that no building permits are issued until infrastructure is completed.

City Manager VanderHamm stated he wanted the requirement for rear lot installation in the LDO.

*Commissioners Cowman and Gage made a motion to schedule a public hearing, with all Commissioners voting in favor.*

**Item 6:        Items from Staff**

Planner Givens told the Commissioners that next month's meeting looked to have a few more items.

**Item 7:        Items from Commissioners**

There were no items at this time.

**Item 8:        Adjourn**

*Commissioners Cowman and Smith made a motion to adjourn the meeting with all Commissioners voting in favor.*