

**MINUTES OF THE REGULAR PLANNING COMMISSION MEETING**

**PLANNING COMMISSION/  
BOARD OF ZONING APPEALS**

**June 19, 2007**

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

**Others Present:** Justin Givens, Brian McCauley, Amy Barenklau, Charlie Smith, Dale Windler, Brian Homrighausen, and Nancy Morris

**Item 1: Consider minutes from the May 15, 2007 meeting**

Vice-Chair McLean called the meeting to order with the first order of business the consideration of the minutes from the May 15, 2007 meeting.

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

**Item 2: Public Hearing (Continued) – Consider approval of a variance application in the required Right Of Way distance from 60’ to 50’ for the Hidden Meadows Subdivision.**

*Commissioners Gage and Smith made a motion to re-open the public hearing for the variance in required Right-Of-Way. All Commissioners voted in favor.*

Planner Givens presented the staff brief. During the approval process for the Site Plan and Plat of Hidden Meadows, it was determined that a Variance would be required for the access road for the new development. A strip of land was dedicated to the City to ensure that this area would have access from Hospital Drive. At the time of dedication the easement that was granted was 50’. Current regulations require a 60’ ROW for residential development.

**Analysis:**

The site plan shows that the road width will be 28’ from curb to curb as required by the LDO. The only reduction will be for ROW dedicated to the City. The primary access off Hospital Drive is currently 50’ with private property existing on both sides of the ROW. The internal roads of the development will tie into Redbud Drive an existing road in the Indian Hills Sub-Development. When Indian Hills was platted a 50’ ROW was granted. It is logical to allow these roads to maintain the same ROW width especially in the transition zones where the two developments abut one another.

Section 21.251 provides standards for variances, which the Board of Zoning Appeals shall apply when considering a variance. Those standards are as follows with staff commentary provided in *italics*.

- A. Under no conditions shall a variance permit a use that is not otherwise permitted in the district. The applicant shall be instructed to submit a zoning change request (Section 21.210) or a beneficial use appeal (Division 21.400), which are the only ways such a change of use may occur.

*The use is permitted in the district*

- B. Special circumstances or conditions exist peculiar to the land or building for which the variance is sought that do not apply generally to lots, land, or buildings in the neighborhood.

*The access ROW as dedicated was 50', which was the standard ROW and the time of dedication. Since then the required ROW has been increased to 60'. Additionally, this sub-development adjoins other developments whose ROWs are only 50' wide.*

- C. The special circumstances and conditions have not resulted from any act of the applicant subsequent to this Ordinance's adoption.

*The land was dedicated to the City to keep this property from becoming land locked was only 50' wide. The applicants have had no control over the ROW and are merely trying to develop the property with the conditions, as they exist today.*

- D. The special circumstances and conditions are such that strict application of this Ordinance's provisions would deprive the applicant of the reasonable use of the land or building.

*A strict application of the LDO would create a parcel of ground that is landlocked, as the development would not have any public access without waiving the 60' ROW requirement.*

- E. Granting the variance is necessary to relieve the applicant of an unnecessary hardship imposed by the regulations.

*Granting the variance will allow the applicant to develop the property meeting all other necessary regulations of the LDO.*

- F. The variance granted is the minimum necessary to relieve the unnecessary hardship and permit a reasonable use of the land.

*Agreed, a 50' ROW is the narrowest amount of ROW that should be used in a development of this nature.*

- G. Granting the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise not detrimental to the public welfare.

*True as stated above if the applicants were to acquire more ROW they would adversely impact the neighboring property. They are maintaining the required road width as well.*

- H. Granting the variance is in harmony with this Ordinance's purposes and intent.

*Agreed, the development will still meet all other regulations of the LDO and while the ROW is less than required, the applicants have provided a plant that is in harmony with the LDO.*

- I. Granting the variance is not inconsistent with the Comprehensive Plan.

*The Comprehensive Plan encourages development in areas where infrastructure is already present and encourages moderately priced homes, which is what the applicant has proposed for this development.*

**Issue:**

Does the Planning Commission wish to approve a variance for the right-of-way for the Hidden Meadows Sub-division?

**Actions:**

The Planning Commission may;

1. Recommend approval of the variance to the City Council
2. Recommend approval of the variance with conditions to the City Council

3. Deny the application for a variance
4. Table the matter for further discussion

**Recommendation:**

It is staff recommendation that the Planning Commission recommend the approval of the variance to the City Council

Charlie Smith asked for the Commissioners support.

There were no comments from those in attendance.

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

*Commissioners Smith and Gage made a motion to recommend approval of the variance for reduction in minimum right-of-way for Hidden Meadows Subdivision. All Commissioners voted in favor.*

**Item 3: Public Hearing** – Consider a variance application for Charlie Smith of 308 North Hospital Drive from the minimum lot size requirements.

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

*Planner Givens presented the staff brief.* Charlie Smith has submitted a Site Plan for Smith Appliance to be located at 308 North Hospital Drive. During the approval process, it was determined that Mr. Smith would need a variance from the minimum lot size requirements of the LDO. Mr. Smith's lot was platted long before the LDO was adopted requiring larger lot sizes for commercial buildings in the Thoroughfare Access district. Mr. Smith has attempted to purchase the property to the south of this parcel but has never been able to do so. Mr. Smith did request a vacation of a portion of the Right-of-Way on Railroad Street, which helped to increase the size of his lot and meet all of the provisions of the LDO for this site outside of the minimum lot size.

**Analysis:**

The LDO does provide for a reduction of lot size in commercial areas by 50% if the applicant can continue to meet all other requirements of the LDO. In this case, the lot at 308 N. Hospital Drive is below the 50% mark and a variance from the minimum lot size is required.

Section 21.251 in the LDO provides several standards that the Board of Zoning Appeals shall apply when considering a variance request. Those standards are as follows as well as staff commentary in *italics*.

- A. Under no conditions shall a variance permit a use that is not otherwise permitted in the district. The applicant shall be instructed to submit a zoning change request (Section 21.210) or a beneficial use appeal (Division 21.400), which are the only ways such a change of use, may occur.

*The Home Appliance Store the Mr. Smith is proposing is an allowed use in the Thoroughfare Access Zone.*

- B. Special circumstances or conditions exist peculiar to the land or building for which the variance is sought that do not apply generally to lots, land, or buildings in the neighborhood.

*Mr. Smith's lot is unusually small for the area, especially after the LDO requirements were adopted and applied to lots that have been platted for some time.*

- C. The special circumstances and conditions have not resulted from any act of the applicant subsequent to this Ordinance's adoption.

*Mr. Smith has made no adjustments to reduce the size of his lot, but rather worked through vacations and attempted land purchases to increase the size of the lot to conform with the LDO*

- D. The special circumstances and conditions are such that strict application of this Ordinance's provisions would deprive the applicant of the reasonable use of the land or building.

*No use of this commercial land would be allowed based on the lot size and the LDO requirements. The LDO does provide for modulations but those leniencies of LDO requirements would not help in this case.*

- E. Granting the variance is necessary to relieve the applicant of an unnecessary hardship imposed by the regulations.

*Mr. Smith has no other alternative to building on this site other than to ask for a variance.*

- F. The variance granted is the minimum necessary to relieve the unnecessary hardship and permit a reasonable use of the land.

*Mr. Smith will still meet all other requirements of the LDO including setbacks, parking, and open space. If the variance is granted it will be of a minimal nature.*

- G. Granting the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise not detrimental to the public welfare.

*Agreed, Mr. Smith will still be able to meet all setbacks so as not to encroach on his neighbor's property. The site plan previously approved demonstrates that Mr. Smith's drainage will not adversely affect his neighbors either.*

- H. Granting the variance is in harmony with this Ordinance's purposes and intent.

*Agreed, all other requirements of the LDO will be met.*

- I. Granting the variance is not inconsistent with the Comprehensive Plan.

*Agreed, the Comprehensive Plan encourages infill in Commercial Areas prior to extending to those locations that do not have services. Additionally, this small business is highly encouraged as part of the economic development section of the LDO.*

**Issue:**

Does the Planning Commission wish to recommend the approval of this variance to the City Council?

**Actions:**

The Planning Commission may;

1. Recommend approval of the variance to the City Council
2. Recommend approval of the variance with conditions to the City Council
3. Deny the application for a variance
4. Table the matter for further discussion

**Recommendation:**

It is staffs recommendation that the Planning Commission recommend the approval of the variance to the City Council.

Brian Homrighausen inquired about elevation of the lot and setback requirements. Planner Givens clarified drainage of the property and how it is designed to work. He also verified that setback minimums were exceeded as shown on the site plan provided by the applicant.

Dale Windler asked if there would be a curb or similar at the south edge of the property to keep water from running onto adjoining properties. Planner Givens stated that the site plan indicates there is a plan and landscaping to control water run off. He also explained that the property in question is lower than Mr. Windler's.

Mr. Windler stated that currently water drains to the West and East, he inquired how it would drain after the construction. Planner Givens stated he did not have current information, but the plan provided shows water draining to West and Hospital Drive in the Northwest corner of the property.

Mr. Windler expressed additional concerns about drainage after the construction is complete. Planner Givens explained that the project is designed to not put additional water on Mr. Windler's property. Mr. Windler asked if Mr. Smith had met all the City's requirements and Planner Givens stated he had.

Charlie Smith asked the Planning Commission for their support.

Planner Givens stated that he had received a call from Ms. Allegri earlier in the day and she had several questions, but was in support of the plan.

There were no additional comments from those in attendance.

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

*Commissioners Gage and Smith made a motion to recommend the variance in minimum lot size requirements. All Commissioners voted in favor.*

**Item 4: Sign Deviation** – Consider an application from The BBQ Shack for a deviation from Article 7 Signs – 705 N. Pearl.

Planner Givens stated that this item had been moved to the July Agenda.

**Item 5: Sign Deviation** – Consider an application from Midwest Connections for a deviation from Article 7 Signs – 1105 Baptiste Drive.

Planner Givens presented the staff brief. Midwest Connections has applied for a Sign Deviation for their location at 1105 Baptiste Drive. Many of the older businesses along Baptiste and especially in this block cannot meet the LDO's setback requirements for signs. This is especially true after many of the businesses gave up property to increase the right-of-way for the Baptiste Drive project.

**Analysis:**

Midwest Connections has proposed a monument sign to be located on its property 7' inside of the existing sidewalk. The 6' wide sign will also be 7' from the building. The LDO provides for criteria that the Planning Commission shall consider when acting upon a request for a sign deviation. Those criteria are as follows with staff comments in *italics*.

**Purpose And Intent Of Code:** Is granting of the deviation in compliance with the general purpose and intent of the City's signage regulations?

A. **Impacts On Adjacent Properties:** Will granting of the deviation adversely affect neighboring property owners or residents? Is the image presented by the sign or attention-attracting device consistent or compatible with that in the area as a whole?

*There will be no adverse impact on neighboring property owners. In this situation, the monument sign is highly encouraged in this area and is compatible with other signs in the area.*

B. **Safety:** Will granting of the deviation adversely affect safety? For free-standing signs, a safe sight-distance setback is required, and the sign location must not encroach upon potential future right-of-way needs. The use of signs or attention-attracting devices should not significantly distract traffic on adjacent streets.

*The placement of this sign, 7' inside the sidewalk should not create sight problems for traffic exiting or entering the property. Since Baptiste has been widened, there should not be a need for any additional ROW to be acquired.*

C. **Visual Clutter:** Will granting of the proposed deviation significantly clutter the visual landscape of the area? The proposed deviation, in addition to all existing or potential future signs on nearby tracts, should be reviewed for their impact on cluttering the visual landscape. Reductions in the total number of signs or their size may be needed, or setbacks increased, to compensate for other signs and attention-attracting devices in the area.

*Staff is of the opinion that this sign will not increase the visual clutter in the area. There is significant distance from each adjacent property to ensure that the sign will be visible and other signs that may be erected in the future should be in locations as not to create a nuisance to drivers on Baptiste.*

D. **Site Constraints:** In some situations, topography, landscaping, existing buildings, or unusual building design may substantially block visibility of the applicant's existing or proposed signs from multiple directions. While visibility of a sign or attention-attracting device is not to be guaranteed from all directions, deviations may be appropriate to provide reasonable visibility of a business's main sign.

*Street trees may be a problem until they reach a mature height for view of the sign but that is a risk that the applicant should be concerned about not the city. Outside of those trees, few other barriers will hinder the view of this sign as well as others that may be erected.*

E. **Lighting:** Sign or attention-attracting device lighting should not disturb residents of nearby residential land uses or adversely affect traffic on adjacent streets.

*The proposed light will be lit directly by ground floodlights and staff will work with the applicant to ensure that the light does not stray off the property so that traffic and neighbors will not be disturbed.*

F. **Promotion Of High Quality - Unique Design:** The proposed sign(s) should be of high quality and must be compatible and integrate aesthetically with daytime/nighttime color, lighting, and signs of the development and adjacent buildings. Facade signs may include unique copy design including painting of walls or integration into canopies/awnings, shapes, materials, lighting and other design features compatible with the architecture of the development of surrounding area. Attention-attracting devices should be of a unique, high quality design, which accentuates the architecture of the building(s) served, versus functioning solely to draw attention to it.

*The applicant has presented several sign designs that use brick as is encourage within the LDO requirements and the signs appear to be of high quality so this should not be a problem.*

**Issue:**

Does the Planning Commission wish to approve the Sign Deviation for Midwest Connections?

**Actions:**

The Planning Commission may;

1. Approve the Sign Deviation
2. Not approve the Sign Deviation
3. Table the matter for further study

**Recommendation:**

It is staffs recommendation that the Planning Commission approve the Sign Deviation request from Midwest Connections.

Planner Givens stated that an applicant's representative had come into the office earlier and indicated that no one would be available to attend the meeting.

Commissioner Smith stated there was not a lot of room so there was not a lot of options for the business.

Planner Givens stated the other option would be a wall sign, but it would not be very visible.

*Commissioners Gage and Smith made a motion to approve the sign deviation with all Commissioners voting in favor.*

Planner Givens asked if the Commissioners preferred one of the presented drawings more, and Commissioners all felt that option 1 would be their preference.

**Item 6: Public Hearing – LDO Text Amendment – Division 12.150 Underground Utilities.**

*Commissioners Gage and Smith made a motion to open the public hearing with all Commissioners in favor.*

*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 the 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.

- E. 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 electrical providers 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.

The LDO provides standards for text amendments that the Planning Commission shall consider when acting upon an amendment. Those standards are as follows with staff commentary in *italics*

A. Would implement a new portion of the Comprehensive Plan or amendment.

*Not Applicable*

B. Would implement and better achieve the Comprehensive Plan's goals and objectives that have proved difficult to achieve under the Ordinance's existing provisions.

*Not Applicable*

C. This Ordinance's provisions were inconsistent or unreasonable in light of standards for similar uses.

*Not Applicable*

D. Is necessary to respond to State and/or federal legislation.

*A directive has been issued by a quasi-governmental organization that would determine how utilities within our jurisdiction were installed if no action is taken.*

E. Provides additional flexibility in meeting this Ordinance's objectives without lowering the Ordinance's general standards.

*Agreed, the amendment sets a standard but allows for flexibility when necessary and only under certain circumstances*

F. Addresses a new use(s), changing conditions, and/or clarifies existing language.

*Agreed, the amendment is necessary to adjust to changing conditions.*

G. Clarifies the Ordinance or makes adjustments to account for interpretations.

*Not Applicable*

**Issue:**

Does the Planning Commission wish to recommend this text amendment to the City Council?

**Actions:**

The Planning Commission may;

1. Recommend approval of the text amendment to the City Council
2. Recommend approval of the text amendment with changes to the City Council
3. Deny the text amendment
4. Table the matter for further discussion

**Recommendation:**

It is staffs recommendation that the Planning Commission recommend the approval of this text amendment to the Paola Land Development Ordinance to the City Council

There were no comments from those in attendance.

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

*Commissioners Smith and Wrischnik made a motion to recommend the text amendments for approval. All Commissioners voted in favor.*

**Item 7: Preliminary / Final Plat** – Consider a preliminary/final plat for the Paola Justice Center.

Planner Givens presented the staff brief. As part of the development of the Paola Justice Center, Allenbrand & Drews has suggested that we re-plate the site. Allenbrand & Drews had difficulty establishing property lines while doing the site plan, especially with the railroad right of way. This plat will essentially clean up the boundary lines of the area.

**Analysis:**

The LDO provides several criteria for the Planning Commission to consider when approving a plat. Those criteria follow with staff commentary in *italics*.

**APPROVAL STANDARDS**

The Planning Commission shall approve the final plat if it finds that the following criteria are satisfied:

A. The final plat substantially conforms to the approved preliminary plat and rule exceptions granted thereto.

*Staff feels that the preliminary and final plats conform to each other.*

B. The plat conforms to all applicable requirements of the Paola Land Development Ordinance, subject only to approved rule exceptions. All submission requirements have been satisfied.

*All applicable requirements of the LDO have been satisfied.*

C. All submission requirements have been satisfied.

*All submission requirements have been satisfied.*

**Issue:**

Does the Planning Commission wish to recommend the approval of the preliminary/final plat for the Paola Justice Center to the City Council?

**Actions:**

The Planning Commission may:

1. Recommend the approval of the Plat to the City Council
2. Deny the application for the plat
3. Table the matter for further study

**Recommendation:**

It is staffs recommendation that the Planning Commission recommend the approval of the plat to the City Council.

*Commissioners Smith and Gage made a motion to recommend approval of the preliminary and final plat for the Paola Justice Center. All Commissioners voted in favor.*

**Item 8: Preliminary / Final Site Plan** – Consider a preliminary/final site plan for the Paola Justice Center.

Planner Givens presented the staff brief. The City of Paola acquired the former KDOT facility some time ago. Initially the land was purchased with the intent to be used for business development. Since then, it has been used as a staging area for road projects as well as excess storage for the Public Works and Police Departments, including salt storage for road application during winter storms.

After voters approved a new Municipal Center for the Police Department and City Court several sites where considered before deciding on the KDOT property as the location for such a center.

**Analysis:**

The City, in conjunction with Treanor Architects and Allenbrand & Drews are now applying for approval of the preliminary and final Site Plans for the property so that we may proceed in building the new Justice Center. Treanor was selected as the design firm based on their experience with both Police and Fire Buildings. They have provided a design that will be much more functional for the administration of justice for the municipality as well as a building that will be a landmark in the city and one that the citizens of this community should be proud of.

Staff's review of the preliminary and final site plans has been provided. I would note that most if not all of the criteria for this type of development in this zone has been met and in most cases exceeded. Three items of note remain outstanding for the site plan, they are;

A drainage study was provided by Allenbrand & Drews and is being evaluated by a secondary engineering firm. Staff will ensure that the site is compliant with our Drainage Regulations and have minimal impact to surrounding properties. It should be noted that this site is currently completely impervious. After development, 62% of the land will be returned to a natural state. A landscaping plan has not yet been provided. Staff has discussed this issue with Treanor and at this time, it is yet to be determined if this is covered in the original contract for services or if the

city will be responsible for its own landscaping. A preliminary review of the required landscaping indicates that 14 street trees will be required and roughly 20 plant units will be required.

No lighting plan has been provided at this time. Staff and Treanor have discussed this issue and when a Mechanical/Electrical Engineer is selected, they will be required to provide staff with an approved lighting plan prior to the issuance of a certificate of occupancy.

Section 10.210 General Standards provides evaluation criteria for every site plan that is submitted. After review of the site plan staff is confident that the seven standards have been met. Those standards are as follows with staff commentary in *italics*.

A. The site plan shall protect the site's natural resources as provided by this Ordinance with highest quality resource areas having the highest preservation priority.

*As stated earlier, this plan will take a completely impervious site and return 62% of that site into open space. Additional landscaping including street trees and canopy trees will provide for a site that is full of natural resources.*

B. The site plan shall promote the best design for the use of the property in relation to the development's uses and uses on adjoining property to promote a streetscape that matches the district's desired character.

*As this is the first new development in the area in sometime, it will be more about what the community has stated that they want in the areas as opposed to what is currently in the area. The building will be in adherence to City Entrance Standards as well as the site plan situates the building in a manner where the architectural features will be displayed prominently from the road.*

C. Traffic and circulation shall be designed to provide adequate and safe conditions for the proposed uses and those on adjoining properties or streets. In particular, linking commercial circulation to reduce curb cuts and to preserve capacity on arterials and collectors shall be reviewed.

*The access for the public parking lot will be 150'+/- from the intersection of Pearl and Sundance. At 35 mph, this should allow for adequate distance for vehicles to enter and exit the property safely. The additional access point will be for staff use only and will have minimal affect to traffic flow.*

D. The drainage and utilities should be efficiently integrated into the design to avoid off-site impacts.

*A drainage study has been performed for the site and is under review. Again, as stated previously, the site is completely impervious in its present state and the increase in green space will be beneficial to the drainage in the area.*

E. The site plan landscaping layout shall promote the district's qualities and character. The bufferyard landscaping shall be located to achieve the screening objectives.

*Staff will work with Treanor and the landscape architects to ensure that the plan maximizes the open space and enhances the architectural design of the building. Street trees may be placed off center to ensure that the building can be seen from the road.*

**Issue:**

Does the Planning Commission wish to recommend the approval of the Preliminary/Final Site Plan to the City Council for the Paola Justice Center?

**Actions:**

Recommend the Site Plan to the City Council for approval

Deny the Site Plan

Table the Matter for further study

**Recommendation:**

It is staffs recommendation that the Planning Commission approve the Preliminary/Final Site Plan as submitted contingent upon:

1. An approved landscaping plan is provided before a Certificate of Occupancy is issued
2. An approved drainage plan is provided before a Certificate of Occupancy is issued
3. An approved lighting plan is provided before a Certificate of Occupancy is issued
4. An approved signage plan is provided before a Certificate of Occupancy is issued

Commissioners McLean, Smith and Gage expressed concern about contamination of the soil due to prior use for the Kansas Department of Transportation.

Commissioner McLean inquired about potential spills from the railroad and if they would be contained?

Planner Givens said he was not aware of any agreements, but KDOT may have been involved in a state program which is insurance for remediation for contamination due to these types of operations.

*Commissioners Gage and Smith made a motion to recommend approval of the site plan for the Paola Justice Center. All Commissioners voted in favor.*

**Item 9: Public Hearing -** Consider a variance application for Jeremy Smail of 509 East Peoria from the minimum setbacks for an accessory structure.

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

*Commissioners Gage and Smith made a motion to continue the public hearing until the July 17<sup>th</sup> meeting. All Commissioners voted in favor.*

**Item 10: Items from Staff**

**A.) 31450 Old Kansas City Road** – Paola Paint Works and Wilkes Motors have a mobile home that crosses property lines. The owner of Paola Paint Works came into the office and inquired about what could be done to remove the thrift shop building, as it affected his appraisal. It has been an issue that has been ongoing since 2000 when a variance was granted, and moving the structure was one of the conditions. At this time it appears the only recourse the City has is to revoke the variance, unless the property owners can come to an agreement for removal. A letter was sent to the property owner explaining the situation and an explanation that this is a civil matter.

**B.) Horse Corral at 28639 Hospital Drive** – Staff received an inquiry about the corral, fencing and minimum lot size at this property. Staff has contacted the City Attorney for clarification on lot size, as the property owner states he has a lease agreement with the neighbor for additional property. Additionally, staff is looking for clarification on acceptable fence types and if the Commissioners feel that welded pipe fence is acceptable for this type of use.

The Commissioners felt that the regulations may need clarification as any livestock would affect neighboring property values. They asked what other cities are doing in regards to this type of situation as their boundaries expand.

**Item 11: Items from Commissioners**

There were no items at this time.

**Item 12: Adjournment**

*Commissioners Gage and Smith made a motion to adjourn with all Commissioners voting in favor.*