

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
5:30 O’CLOCK P.M.**

March 25, 2008

**HELD AT THE PAOLA PUBLIC WORKS BUILDING
29370 Old KC Road in Paola**

The Governing Body of the City of Paola, Kansas, met with Mayor Stuteville presiding.

Councilmembers present: Mayor Stuteville, Council Members Pritchard, Dial, and Hamilton.

Council Members absent: Councilmember Rowlett.

Also present: Manager Wieland, Clerk Droste, Police Chief Smail, Public Works Director Bieker, Planner Givens, Chamber of Commerce Director Carol Everhart, Brian McCauley with the Miami County Republic, and others.

Agenda Item 1 - CALL TO ORDER: The regular council meeting was called to order by Mayor Stuteville.

Agenda Item 2 - ROLL CALL: Mayor Stuteville and Council Members Pritchard, Dial, and Hamilton were all present. Councilmember Rowlett was absent.

Agenda Item 3 - PETITIONS, REMONSTRANCES, AND COMMUNICATIONS
No one addressed the Council.

Agenda Item 4 - CONSENT AGENDA

- a. **Approval of minutes of the meetings of March 11, 2008.**
- b. **Approval of Salary Ordinance number 08-05.**
- c. **Approval of Appropriation Ordinance No. 625.**

Councilmember Dial made a motion to approve the Consent Agenda and authorize the Mayor to sign. Councilmember Pritchard seconded the motion and all voted aye. The motion passed 3 to 0.

Agenda Item 5a – Consider bids to enclose the west storage building at the Public Works Facility.

Public Works Director presented bids for installing three large garage doors on the Public Works west storage building to enclose the building to protect equipment from the elements.

Bids were received from Legacy Contractors in the amount of \$14,405.00, from Ballou Construction in the amount of \$14,448.36, and from Triangle Builders in the amount of \$21,400.00.

After discussing the bids, Councilmember Hamilton made a motion to approve the bid from Legacy Contractors, LLC in the amount of \$14,405 to enclose the Public Works west storage building. The motion was seconded by Councilmember Dial and all vote aye. The motion passed 3 to 0.

Agenda Item 5b - Consider an Ordinance amending the text to the Land Development Ordinance defining a Street Tree and required locations for the planting of, and allowing for Heavy Industry in the Estate District.

Planner Givens reported that at the March 18th Planning Commission Meeting, the Commission did approve by unanimous vote a text amendment submitted by the Paola Tree Board and recommended by Staff. The text amendment as submitted answered those questions posed by the Planning Commission. The following is the text amendment as submitted to the Planning Commission by the Paola Tree Board and would be added to the LDO as Section 13.330 under Division 13.300 Tree Protection:

- A. A street tree shall be defined as any tree planted within the city street right of way. No tree shall be planted within five feet of concrete.
- B. Street trees shall be chosen from an approved list submitted by the Paola Tree Board and approved by the City of Paola. The species list will be reviewed and revised as needed.
- C. Trees of the same species shall not be planted adjacent to one another. An exception may be granted to areas within overlay districts, i.e. downtown city entrance.
- D. Street trees shall have a minimum caliper of 1 1/2 inches.

Mayor Stuteville asked about the list of trees that would be provided to Developers. Planner Givens indicated that the list of recommended trees would be changed periodically to help insure a healthy variety of tree species.

Planner Givens reported that the Planning Commission did also approve by unanimous vote a text amendment to allow Industrial Uses in the Estate districts through the issuance of Conditional Use Permits. Staff has been approached on several occasions about heavier uses within the Estate District. Currently, the only non-residential uses that are allowed in the Estate District are Agriculture, Nursery, Institutional Residential, Outdoor Recreation, Home Office, and Day Care.

Staff is proposing a text amendment that would allow Industrial Uses only after the issuance of a Conditional Use Permit. Several large-scale industrial uses are in operation in the growth area's estates district that were granted Conditional Uses when the LDO was adopted. These include Doherty Ornamental Iron, a mining operation, and Green Country Soils. Additionally, a heavy equipment operator has an operation just north and west of the K-68 round a bout.

The LDO defines the Estate district as follows: (A) This district provides a high quality residential area with a very low density (generally large individual lots). Some single-family lots are large enough for equestrian uses. (B) The density provides a transition between rural areas outside the City's Community Growth Area and suburban areas. This district ensures an overall ESTATE character is retained. Landscaping, lot size, and open space provide a strong sense of the estate being in a rural area. Substantial areas of open space and/or landscaping shall be provided to ensure this character. Landscaping should promote rural and natural images. This district applies to areas in western Paola, of difficult terrain, and that have developed in this pattern.

The required large lots would assist in protecting neighboring properties from loud or possibly obtrusive uses that may be created from these types of operations.

A Conditional Use Permit would help in eliminating operations that staff feels are not appropriate uses or uses that are in harmony with the surrounding area. Because all new and converted commercial development within the city and the growth area requires an approved site plan, the Planning Commission and City Council may impose any conditions or regulations such as hours of operations, outdoor storage areas or increased screening or buffer yards it see fit through a Conditional Use Permit.

Within the LDO, Industrial Uses have several classifications. Light industry is considered manufacturing, transportation, and wholesale uses where all operations are inside the building, where there is no exterior storage, and where the maximum building size is two hundred thousand (200,000) square feet or more. This includes the following uses, except where the use produces emissions exceeding sixty (60) percent of Kansas standard

Heavy Industrial uses includes construction, mining, manufacturing, transportation, and public utilities due to the land use intensity impacts typically associated with large industrial uses, their accessory outdoor storage uses, and large building areas. Additional classifications are spelled out for Warehousing, Utilities, Community/Region, Extraction, Recycling or Storage, and Disposal.

Mayor Stuteville asked about the Limited Review versus the Conditional Use for these proposed Heavy Industrial uses. Planner Givens indicated a Limited Review is completed at a Staff Level and the Conditional Use Permit is approved by the Planning Commission and the City Council. A Conditional Use Permit could regulate anything from the site plan to hours of operation to noise levels. Mayor Stuteville asked if it would not be better to re-zone certain areas of the Suburban Zoning District to allow for these uses rather than allowing for individual exceptions in the Suburban area. Planner Givens stated that the Conditional Use Permit would allow the Planning Commission and the City Council the greatest control over any Heavy Industrial Use in the Suburban zoning classification whereas a rezoning would allow the uses with fewer restrictions and without Public Hearings.

After discussing the issues, Councilmember Dial made a motion to approve AN ORDINANCE AMENDING TABLE 3.110A "GENERAL USE TABLE" AND DIVISION 13.000 "TREE PROTECTION" OF THE PAOLA LAND DEVELOPMENT ORDINANCE.

The motion was seconded by Councilmember Pritchard and all vote aye. The motion passed 3 to 0. Clerk Droste assigned number 2969 to the Ordinance.

Agenda Item 5c - Consider Approval of a Final Site Plan for Pinnacle Point.

Planner Givens reported that the preliminary site plan for Pinnacle Point was approved on February 19, 2007 by the Planning Commission and on February 26, 2007 by the City Council. This project consists of 3 buildings and 33 two-bedroom units. Four of the units will be completely ADA compliant and accessible.

The City Council did have several comments that have been addressed by the applicant and his engineer. The Council was concerned that only one dumpster location had been provided. While there is no standard for dumpsters to service a particular development, in speaking with the applicant and L&K Services staff feels that the frequency of pick-up and size of dumpster should be sufficient to handle the volume of trash that will be generated by this complex.

A second issue was the incline on the eastern drive. A significant grade is shown based upon the elevation of the street in relationship to the elevation of the parking lot and the buildings. It is important for the parking lot and buildings to be close in grade so the steep incline is needed. The Applicant was able to raise the east building slightly and the grade meets APWA standards for street grades. In addition, the western drive will only have a 5% max grade so in times of inclement weather vehicles will be able to use this as the exit/entrance with little to no problems.

A third issue the Council was concerned about was the 90 degree on street parking. The applicant looked at changing this parking but angled parking would remove several spaces. Staff agrees with the applicant that due to the low volume of traffic on this street and the current parking arrangements across the street and to the east that the 90-degree parking should not be an issue.

There are four outstanding items that this plan can be approved contingent upon sufficient information being submitted and approved by staff.

1. An approved landscaping plan – analysis of LDO regulations and the development plan show that a total of 37 plant units will be required. Since this area has, a significant amount of tree growth already on the property staff will work with the applicant to determine a final number of required plant units using the preserved tree credit from Section 13.260
2. An approved drainage plan – the applicants engineer is working on a drainage plan to be submitted to staff. The location has ample room for retention/detention if needed and staff feels confident that once complete the property will meet the required standards of APWA Section 5600.
3. An approved lighting plan – the applicant has not presented lighting calculations as no electrical sub-contractors have been selected. Staff is confident it can work with the applicant and any subs to create an acceptable lighting plan.

4. An approved signage plan – at this time the applicant has not decided upon any signage but staff is confident all signage will be within the LDO's sign regulations.

Councilmember Hamilton questioned the route that the trash truck might use to empty the dumpster at the property. He indicated that if the truck drives across the parking lot that is constructed with 6 inches of rock base and 2 inches of asphalt overlay, the parking lot would not last long. He recommended that a sufficient concrete or asphalt base be constructed to accommodate the weight of the trash truck on the site.

Councilmember Hamilton made a motion to approve the Final Site Plan for Pinnacle Point as presented with the added condition that sufficient concrete or asphalt be added to accommodate the weight of the trash trucks to ingress and egress the property. The motion was seconded by Councilmember Dial and all vote aye. The motion passed 3 to 0.

Agenda Item 5d - Consider a Conditional Use Permit allowing a multifamily housing use for Pinnacle Point.

Planner Givens presented an Ordinance providing for a Conditional Use Permit for Pinnacle Pointe with the following conditions:

1. An approved landscaping plan be submitted to staff.
2. An approved lighting plan be submitted to staff.
3. An approved signage plan be submitted to staff.
4. An approved drainage plan be submitted to staff.
5. That the Conditional Use Permit be reviewed after one year.

Pursuant to the discussion on the final site plan, an additional condition would be included as follows:

Modification of the site plan to provide for a sufficient paving structure for trash trucks to ingress and egress the property.

After discussing the Ordinance, Councilmember Hamilton made a motion to approve **CONDITIONAL USE PERMIT 08-CUP-01 AN ORDINANCE RELATING TO ZONING: AUTHORIZING A CONDITIONAL USE PERMIT FOR CERTAIN PROPERTY**, as amended. The motion was seconded by Councilmember Dial and all vote aye. The motion passed 3 to 0. Clerk Droste assigned number 2970 to the Ordinance.

Agenda Item 5e - Consider approval of a disbursement from Transient Guest Tax Funds

Carol Everhart, Director of the Paola Chamber of Commerce, presented a request from the Transient Guest Tax Committee to donate \$1,000.00 from the Transient Guest Tax Fund to the Paola Roots Festival 2008. She indicated that if funding allows, the Committee may consider recommending an additional donation of \$1,000.00 later in the year.

After discussing the request, Councilmember Pritchard made a motion to approve a disbursement of \$1,000 to the Roots Festival Committee from Transient Guest Tax Funds. The motion was seconded by Councilmember Dial and all vote aye. The motion passed 3 to 0.

Agenda Item 6 – NEW BUSINESS.

Carol Everhart, Director of the Paola Chamber of Commerce, asked if the Council would like to have copies of the Economic Development meeting minutes. The Council agreed that it would be helpful to receive copies of the minutes of these meetings.

Councilmember Hamilton stated that it was an honor and a privilege to serve on the Council for the past two years and he was hopeful that he would have the honor to continue to serve on the Council for an additional two years.

Councilmember Dial asked about the May Work Study Meeting. Manager Wieland indicated that the meeting would be moved to Wednesday April 2nd at 5:30 pm to avoid a conflict with the City Elections on April 1st.

Mayor Stuteville asked about the renovation of the car lot on South Silver. Planner Givens reported that he talked with the owner last week to remind him that he only has 6 months remaining on his Conditional Use Permit and that the renovations must be completed before the CUP could be renewed. The owner does have a building permit and some of the interior work has been completed.

Agenda Item 7 – ADJOURNMENT.

With no additional business to come before the Council, Councilmember Pritchard made a motion to adjourn the meeting. Councilmember Dial seconded the motion and all voted aye. The motion passed 3 to 0.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk