

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING

**PLANNING COMMISSION/
BOARD OF ZONING APPEALS
March 18, 2008**

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

Others Present: Justin Givens, Amy Barenklau, Brenda Wrischnik, Jack Rowlett, Jr.

Item 1: Consider minutes from the February 19, 2008 meeting

Chair Cowman called the meeting to order with the first order of business the consideration of the minutes from the February 19, 2008 meeting.

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

Item 3: Public Hearing – Consider a Conditional Use Permit for Pinnacle Point Apartments.

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

Planner Givens presented the staff brief. As part of allowing and as a way to control the development of Multi-family uses in the Neighborhood Districts, a text amendment was enacted to require the uses to be issued conditional use permits prior to final approval.

Analysis:

Staff feels that the approval of the Site Plan will be condition enough for this project and in approving the Site Plan the Commission and Council can add any additional conditions which it deems fit.

Staff feels that this project is consistent with the goals for housing and development outlined in the Comprehensive Plan. It is consistent with the surrounding land use and is an excellent use of a property that has been un-developable for some years now.

Issue:

Does the Planning Commission wish to recommend approval of this Conditional Use Permit to the City Council?

Actions:

The Planning Commission may:

Recommend the Conditional Use Permit to the City Council

Not recommend the Conditional Use Permit

Table the matter for further study or information

Recommendation:

It is staff's recommendation that the Planning Commission recommend the approval of the Conditional Use Permit to the City Council.

There were no comments from those in attendance.

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

Commissioners Gage and Cowman made a motion to recommend approval of the Conditional Use Permit for Pinnacle Point Apartments. All Commissioners voted in favor.

Item 2: Final Site Plan – Consider an application for a Final Site Plan approval from Pinnacle Point Apartments.

Planner Givens presented the staff brief. This is the Final Site Plan for the Pinnacle Point Apartment complex. A preliminary plan 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.

Analysis:

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 sufficient 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 do 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 three 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.

Issue:

Does the Planning Commission wish to recommend approval of this Final Site Plan to the City Council?

Actions:

The Planning Commission may:

- Recommend the Final Site Plan to the City Council
- Not recommend the Final Site Plan
- Table the matter for further study or information

Recommendation:

It is staff's recommendation that the Planning Commission recommend the approval of the Final Site Plan to the City Council contingent upon approved landscaping, drainage, lighting and signage plans being submitted.

Commissioner Gage inquired if there was adequate room for fire vehicles to get through. Planner Givens indicated that the plan met those requirements.

Commissioner Cowman inquired if cars would be completely off the street and if some of the minimum required parking spaces would be lost if the spaces were set at an angle? Planner

Givens stated that the cars would be off of the street as designed and that they would not meet minimum parking requirements if spaces were lost due to the angling of those spaces.

Commissioners Smith and Bonner indicated that it did not appear to them that there were cars parking there currently and that traffic was minimal.

Commissioners Gage and Smith made a motion to recommend approval of the final site plan contingent on noted items, for Pinnacle Point Apartments. All Commissioners voted in favor.

Item 4: Public Hearing – Consider a Text Amendment – Defining a street tree and required locations for their planting.

Commissioners Cowman and Gage made a motion to open the public hearing. All Commissioners voted in favor.

Planner Givens introduced Brenda Wrischnik and Jack Rowlett, Jr. of the Paola Tree Board. He then presented the staff brief. In January 2007, Staff presented a Street Tree text amendment to the Planning Commission after working closely with the Paola Tree Board to help ensure the long term health of required street trees and the protection of infrastructure such as sidewalks and curbs. In most districts the LDO requires one street tree for every 50 feet of frontage. The Tree Board has been active in providing a list of recommend trees and other guides to help promote the City's tree program.

During the initial discussion the Commission felt that it would be important to define what exactly constituted a street tree and what if any location should these trees be required to be placed in. Staff feels that the proposed text amendment answers both of questions and feels that this text amendment would be beneficial in the application of the requirements of the LDO.

Analysis:

The following is the recommendation of the Paola Tree Board and would be added to the LDO as Section 13.330 under Division 13.300 Tree Protection:

SECTION 13.330 STREET TREES

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.

Issue:

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

Actions:

The Planning Commission may:

Recommend the Text Amendment to the City Council

Not recommend the Text Amendment

Table the matter for further study or information

Recommendation:

It is staff's recommendation that the Planning Commission recommend the approval of the Text Amendment to the City Council.

Ms. Wrischnik indicated there is a good tree inventory, but would like to see a variety of trees in town to help avoid spread of diseases.

Commissioner Cowman inquired about the process to determine the list of 6 recommended trees and availability/cost of trees. Ms. Wrischnik indicated the list is compiled by K-State and is large trees, with best canopies, deep roots and are adaptable to our climate. She indicated trees are readily available and prices are affordable. She also indicated the trees on the list are native to Kansas.

Mr. Rowlett indicated that the biggest issue is disease and that was a determining factor in recommending native trees for planting.

Commissioner Bonner asked about location of tree planting in newer parts of town and keeping the recommended 5-feet from concrete. Mr. Rowlett indicated it is difficult in newer developments, but indicated the developer could work with the city for alternative planting areas. Planner Givens stated that the developers could move the trees to the back side of walks.

The Commissioners thanked the Tree Board members for their work.

There were no additional comments from those in attendance.

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

Commissioners Cowman and Bonner made a motion to recommend approval of the text amendment with all Commissioners voting in favor.

Item 5: Public Hearing – Consider a Text Amendment – allowing for Heavy Industry in the Estate District

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

Planner Givens presented the staff brief. As discussed during the February meeting, Staff was approached about heavier uses within the Estate District and possible ways to allow for more uses within this 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 Light and Heavy Industrial Uses only after limited review. 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.

Analysis:

The LDO defines the Estate district as below,

SECTION 02.223 ESTATE (E) DISTRICT

- 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.

The Limited Review option 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.

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 of 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.

This text amendment would allow only uses first reviewed and approved by staff and then approved by the Site Plan process by the Planning Commission and City Council.

Issue:

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

Actions:

The Planning Commission may:

Recommend the Text Amendment to the City Council

Not recommend the Text Amendment

Table the matter for further study or information

Recommendation:

It is staff's recommendation that the Planning Commission recommend the approval of the Text Amendment to the City Council.

Commissioner Smith inquired about lot sizes in the Estate Zoning District. Planner Givens stated the minimums now are 10 acres, but some older lots could be as small as 1 acre.

Commissioner Cowman inquired about how much of the Community Growth Area was zoned Estate and if Miami County would need to approve these uses as well. Planner Givens stated most of the area to west of town is in Estate and that the county would have to sign off on any proposed uses that the city approves.

Commissioners Gage and Cowman inquired about uses that have been proposed in the past. Givens stated that inquiries have been about shop space, a county maintenance shop, and possibly others in the past. Commissioner Bonner asked if inquiries had come from businesses or land owners, and Givens indicated both.

Commissioners Cowman, Bonner and Gage stated they would like to see heavy industrial uses as Conditional Use Permits to provide consistency in requirements and what is allowed.

There were no comments from those in attendance.

Commissioners Cowman and Gage made a motion to close the public hearing. All Commissioners voted in favor.

Commissioners Cowman and Gage made a motion to recommend approval to allow Heavy Industry uses in the Estate Zoning District as Conditional Use Permits. All Commissioners voted in favor.

Item 6: Items from Staff

Life Net Air Medical Services

Staff met with K.C. Jones of Life Net Air Medical Services recently. Mr. Jones is looking to relocate his Air Ambulance Service to Miami County. Mr. Jones ran into logistical and economic issues that made the Miami Co. Airport (the most logical site) un-useable. Janet McRae directed Mr. Jones to the City of Paola from Miami County Economic Development about possible sites that could accommodate the air ambulance service.

After meeting with Mr. Jones several sites were considered but various other issues limited the number of feasible sites. Mr. Jones and Ernie Pratt are now asking for direction on a site south of Paola on Old Kansas City Road. This site is within the growth area and if advisable would require changes to the LDO to permit its placement.

Mr. Jones has stated that he needs a relative small space approximately 2 acres to operate the air ambulance and would be willing to work with the city and surrounding neighbors to establish a preferred flight pattern that would limit interruptions. The site in question is located at 31650 Old KC Rd, contains 7.8 acres, and currently houses a Tri-Ko group home. There is some residential building in the immediate area but mostly commercial businesses.

Staff is seeking direction on two items:

1. Is this an advisable site? Are there alternative sites that may be better suited for an air ambulance service?

2. Would a text amendment allowing air transportation services on a limited scale be the most appropriate method of allowing this project within the LDO Regulations?

Commissioners had a lengthy discussion about the residential properties in the area surrounding the proposed site. They had concerns about noise, dust, fuel storage and other items.

Commissioners asked staff to work on different locations that might be a better fit.

Conditional Use Application for Multi-Family Projects

As staff was working on brief sheets for this month's meeting it seems that after working through the conditional use permit for multi-family projects that this has created a redundancy. On all commercial and multi-family projects, a site plan is required. In the approval process for these types of projects the Commission and Council can add almost any condition that they see fit prior to approving the site plan. In this situation the site plan, itself is the conditional use permit.

Would a change to a limited review with the knowledge that the Planning Commission and City Council can still impart suitable conditions to any project like this while approving the site plan be more appropriate?

Item 7: Items from Commissioners

Commissioner Cowman inquired about status of Lakemary's site plan and building. Planner Givens indicated that staff had not heard anything.

Item 8: Adjournment

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