

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING

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

Commissioners Present: Cowman, McLean, L. Smith, Gage, Wrischnik, Bonner, King
Commissioners Absent: None

Others Present: Amy Barenklau, Brian McCauley, Lyle and Roberta Briley

Item 1: Consider minutes from the October 21, 2008 meeting

Chair Cowman called the meeting to order with the first order of business the consideration of the minutes from the October 21, 2008 meeting.

Commissioners Gage and McLean made a motion to approve the minutes as submitted. All Commissioners voted in favor.

Item 2: Preliminary/Final Site Plan – change of use: Consider an application from Leon Briley for a parking lot for new use at existing location; tabled at October meeting.

Amy Barenklau stated the applicant and property owners were in attendance and then presented the staff brief. During the October meeting, the Planning Commission determined that due to circumstances surrounding the status of the Industrial Park Drive project, a decision on this item would be tabled until the November meeting. Subsequently, the Paola City Council determined that the Industrial Park Drive improvements would be postponed indefinitely.

The applicant owns the building at 1101 Industrial Park Drive and for the past several years has operated the Briley family's Sonic offices and warehouse in the existing structure. The Lighthouse Presbyterian Church has exhausted space at their current meeting location at 15 West Wea and was looking for a location to hold youth ministry activities. The Briley's have offered a portion of the warehouse in which to hold youth services until a time when a building can be built to house all Lighthouse activities. Section 23.230 of the Land Development Ordinance defines youth ministry services and youth center under 'Assembly and Worship'.

Staff initially determined this would require a Conditional Use Permit (based on very limited information provided once work had been stopped) and began the process and publishing for the public hearing. After meeting with the applicants and those involved in the project, more thorough information was presented and at that time, staff determined this would be an allowed use. Letters were sent to all property owners indicating that a public hearing was not necessary at this time.

base with 4” of asphaltic concrete is required. There are several grated inlets around the building that are required to avoid drainage issues internal to the structure. The parking area needs to be graded to either flow to the inlets and/or graded to flow to the north/northwest ditch line according to documents from 2004.

Section 06.322 of the LDO addresses mixed uses and shared parking where the uses occur in the same building and/or complex. In some instances, the uses may have different hours of operation reducing the ‘total’ parking need; the uses can share parking spaces. Staff feels that some consideration is reasonable given the difference in hours of operation, however a complete reduction in required parking spaces to the 27 identified on the site plan is not recommended.

The LDO does allow for the developer to submit a ‘special study’ conducted by a transportation planner or engineer if he/she feels the parking requirements are inappropriate for the proposed use (Section 6.321). When the waiver for Sonic was granted in 2004, it was allowed with the condition that once staffing increased or if other uses were initiated, additional paved parking was to be provided and that once staffing increased, the number of spaces was to come into compliance with the LDO.

- Applicant was granted a waiver to allow construction of the parking lot to occur after the Industrial Park Drive reconstruction was complete. Now that a change of use and intensified use of the structure has occurred, the previously allotted parking is no longer viable. They are again requesting a waiver on the parking lot.
- Applicant was granted waiver in 2004 and is again asking for waiver on number of required parking spaces.

- 2) **Drive Approach:** Drive approach should be paved from Industrial Park Drive to the parking lot - improvement was to be made in 2004. The same construction standards as defined for the parking lot apply. It is anticipated that if Industrial Park Drive is ever improved, it will be improved to a curb/gutter standard with enclosed storm system. As it is unknown when and if the project will take place, the drive approach should be upgraded at this time
- 3) **Exterior storage:** Exterior storage is not allowed.
- 4) **Trash Enclosure:** Must comply with Landscaping for Waste or Trash Storage Areas (Figure 03.212-Article 3 of the LDO). Currently applicant is utilizing a roll out cart which is stored inside. If a larger, more permanent cart is needed, or if this is left outside, a trash enclosure and applicable landscaping, as defined in Article 3 shall be required.
- 5) **Landscaping:** Defined in Section 6.120 of the LDO. While this is an existing building, the use in a portion of this structure is changing and intensifying.
 - Street Trees – 1 per 50 feet of frontage

○ Hospital Drive frontage = 130 ft.	3
○ Industrial Drive frontage = 408 ft.	8
	8

<u>Total Street Trees required:</u>	11
<i>Visual inspection shows street trees along Hospital Drive. Street trees along Industrial Drive will need to be installed.</i>	
• Lot Landscaping - per 2004 review plant units	2.83
• Parking Landscaping – 1 plant unit per 18 spaces 85 spaces required <u>plant units</u>	<u>4.7</u>

Total Landscaping required: 7.53
plant units
Current lot landscaping appears to meet the requirements. Parking lot landscaping would need to be installed.

Former Planner Faust performed a landscape review in 2004 and recommended at that time some landscaping be delayed until Industrial Park Drive reconstruction was complete. Due to the indefinite delay of the project, current staff feels that there is no need to delay any landscaping, including installation of street trees and parking lot landscaping.

- Applicant was granted a waiver in 2004, pending Industrial Park Drive. They are again requesting a waiver.

- 6) **Sidewalks:** Sidewalks are required along Hospital Drive and Industrial Park Drive. Currently, there is an existing sidewalk that terminates at the north property line of Heatherwood Estates. This sidewalk is to be extended northward to the drive entrance to this business. This will permit safer pedestrian access from the school campus and Heatherwood directly to the youth ministry services at 1101 Industrial Park Drive. There currently is no walk along Industrial Park Drive; a sidewalk should be installed east of the existing entrance to the east property line.
- 7) **HVAC and Utility Screening:** Required if rooftop HVAC units are installed in the future.
- 8) **Signs:** No signs are proposed as part of the site plan. Any additional signage would require an approved sign plan and permits. All applicable requirements will apply at time of application.
- 9) **Drainage:** Must meet requirements of APWA 5600. Additional paved parking surfaces would increase flow to the on-site storm inlets as well as underneath Hospital Drive. Study should be submitted showing that current pipe sizes are adequate and downstream impacts do not create any additional issues. On-site parking lot detention (or other approved method of detainage) may be needed.

- 10) **Lighting:** No additional lighting is proposed at this time. If lighting is added in the future, permits will be required and all applicable requirements will need to be met at that time.
- 11) **Nonconforming Building:** Per Section 9.130 of the LDO, the building can remain in 'as is' condition. Any remodeling must comply with the LDO and all other applicable laws of the City.
- 12) **Bufferyard:** Per Section 13.140 of the LDO, a .60 bufferyard between the TA zoning district and the adjacent residential development is required. In the 2004 review, staff felt that the existing bufferyard, if on applicant's property, was adequate unless further development of the property occurred.

Planning Commission Action:

The Planning Commission may take action on one of the following options:

- 1) Recommend approval of the site plan allowing 'assembly and worship' at 1101 Industrial Park Drive.
- 2) Recommend rejection of the site plan.
- 3) Table the matter for further study.

Recommendation:

During the October 28, 2008 City Council meeting it was determined that the project would be postponed indefinitely. Council directed city staff to obtain necessary Right-of-Way for the project, without any special conditions.

Staff feels that at this time there is no reason to postpone necessary site improvements. The street project is on hold indefinitely and there are no current proposed changes to the approach, drive or parking lot due to any other city projects. The applicant may state that this is a temporary location; however, staff understands that their definition of temporary is two to three years. According to the LDO and the building code, temporary is considered to be 60 to 90 days.

The applicant is requesting waivers on requirements as outlined in the LDO for the hard surface parking lot, required number of parking spots and landscaping. Given the recent events for the proposed street project, staff feels that there is no longer a viable reason to grant waivers. If the applicant disagrees with the Commission's recommendation, there is a variance process in place.

City Council Action:

- 1) The City Council may approve the site plan.
- 2) The City Council may reject the site plan.
- 3) The City Council may require additional improvements.

Commissioner Gage stated he felt the LDO was not meant to inhibit, or cause problems, for uses. The street project was a viable reason to grant waivers, based on additional costs to the property

owners if investments were made and then had to be re-installed. He stated he understood the need to install landscaping, but he questioned the other improvements.

Commissioner Bonner explained that he had concerns about drainage from the site and stated his concern for constructing a parking lot until Industrial Park Drive was completed. His concern was if improvements were made, how they would affect reconstruction in the future.

Commissioner Cowman felt that a deferral was given in 2004, 4 years ago, now the project is on indefinite hold; not just 2 or 3 years. He felt it was difficult to justify another waiver when it could be 10, 15 years or more before the project comes to fruition. He felt there are 3 issues to determine; number of parking spaces, landscaping and hard surface lot. He stated that the LDO requirements for upgrading parking lots had been held up for other businesses in town.

Commissioner Smith indicated that the other lots that were unimproved on Industrial Park had met standards, but he did have concerns about this particular lot if the reconstruction project occurs.

Lyle & Roberta spoke in defense of the requested waivers stating that most of the youth attending the events do not drive and this is intended to be a temporary situation.

Commissioner Smith asked if the Briley's had plans to asphalt the parking or if they had put it on hold until the project was complete. The Briley's indicated they had always figured they would hard surface, but were waiting on Industrial Park Drive project to be completed.

Commissioner King stated he felt it was difficult to not require what had been required of others.

Commissioners Wrischnik said he was concerned about the grading and how it would affect surrounding properties.

There was an extended discussion about the number of parking spaces and how different use classifications might lessen the number of required spaces. It was determined that a variance would be the only way to allow a reduced number of parking spaces based on the participants and length of the youth services.

Commissioner Cowman stated he did not feel he could waiver on the hard surface parking lot requirement, but was struggling with the large number of parking spaces.

Commissioners Cowman and Bonner made a motion to reject the site plan. All Commissioners voted in favor.

The Commissioners encouraged the property owners to make application for a variance in the required parking spaces. They all indicated they would be in support of a reduction in the number of spaces.

Item 3: Items from Staff

Staff updated Commissioners on the following items after supplying a calendar for 2009:

- 1) **Hard Surface Driveway:** Staff is awaiting verification of the status of the alley behind 603 East Osage. From documents located by planning staff, it appears that there is a platted alley. Verification is pending from other city departments.
- 2) **Kodiak nuisance/zoning violations:** Staff has been dealing with the properties owned by this property owner on several different issues. (An open well was located on the Old KC Road property and the owner was illegally dumping dirt and debris in the floodplain at the Stewart Lane property.) Staff has begun drafting the letter to determine exactly what uses take place at the property on Old Kansas City Road. Once that is established, a review of uses (allowed and not) will be made and a letter sent explaining that when the growth area was established and LDO adopted, somehow this slipped through the CUP process. The city will initiate the CUP and attempt to get a handle on this use through that process.
- 3) **Illegal signs (flashing and home occupation):** When staff is out of the office, staff is visiting with business owners in regards to flashing signs. As necessary, letters are sent as reminders. Staff is aware of several home occupation signs that will be receiving letters in regards to size and location of signage and asking them to meet current sign standards. Staff is also making a list of off-site advertising signs and those businesses will be notified of regulations and asked to remove them.
- 4) **Expired Conditional Use Permits:** Staff has been working on the list of expired CUPs and as time allows will continue to work on list to be presented to you.
- 5) **Re-zoning:** Staff plans to have this on the agenda for December as long as all deadlines can be met. A legal description of the tracts needs to be completed. Official publication should occur next week and letters soon after that.
- 6) **Concept Plat:** Staff has received initial construction plans for the commercial development across from Miami County Medical Center. The plans were sent to public works and an engineering firm to begin review. Notes have been provided to the engineering firm who designed the project and planning staff is researching several items for them. Once the rezoning is completed and development plans approved, it appears this project will move quickly.
- 7) **Arby's lot split:** Staff received a lot split from the property owners, all requirements were verified and the split was recorded prior to the recordation of the re-plat for Paola Business Park No. 3.

- 8) **Re-Platted lot:** Staff has been in contact with the purchasers of the new lot next to Arby's. They have inquired about the possibility of a 'coming soon' type construction sign.
- 9) **Growth Area tract split:** Staff has spent many hours working with a local realtor and the county offices on a quarter section (144 acres) potential lot split. Depending on the property owner's decision, there may be a plat submitted in the future. Staff does not feel that it will be developed, but the initial desire is to create 3 to 4 lots. County and city staffs have been discussing with individuals involved the possibility of donating some land for a future park. During the Comp Plan update, the desire for more parks was noted in citizen responses. This particular area was not targeted by the future land use map, but given the location and surrounding area, it may be a good utilization of the land either for public or future development use.
- 10) **Potential retail:** Staff has received an inquiry to determine if an existing property in the city entrance area could be split and sold. The property owner has been approached by a party interested in a professional building near the intersection of Baptiste and Hospital Drive. Staff is researching requirements to determine if it would be feasible for this to occur.
- 11) **Weather station update:** The City Council approved the installation of a weather station at Lake Miola. Staff has been in contact with Mary Knapp of the Kansas State University group that would be installing the station. Staff will continue to work with KSU staff to ensure that a fence is installed as part of the project. Their desire is to have this station installed and operating as quickly as possible given the weather factors.

Staff handed the Commissioners a request and support documentation from Tim Lang of Lang Chevrolet requesting permission to display two cars on the private property of a salesman at the intersection of Main Street and Baptiste Drive. The consensus of the Commissioners was that as long as the cars remained on private property, out of the sight triangle and no complaints were received, they were comfortable with the request.

Item 4: Items from Commissioners

Commissioner McLean inquired about the home occupation sign on South Silver Street across from the doughnut shop. Staff indicated that building department staff had visited with the tenant and indicated that the sign needed to be moved, along with the dog houses in the city Right-Of-Way.

Item 6: Adjourn

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