

MINUTES OF THE PLANNING COMMISSION MEETING

**PLANNING COMMISSION/
BOARD OF ZONING APPEALS
July 21, 2009**

Commissioners Present: Cowman, Gage, Bonner, Wrischnik, King
Commissioners Absent: McLean, Smith

Others Present: Mike Gotfredson, Amy Barenklau, Brian McCauley, Alan Hire, Ernie Pratt, George Norton, Bruce & Jennifer Brown and others

Item 1: Pledge of Allegiance

Item 2: Consider minutes from the June 16, 2009 meeting

Chair Cowman called the meeting to order. The first order of business was the consideration of the minutes from the June 16, 2009 meeting.

Commissioners Cowman and Bonner made a motion to approve the minutes as submitted. All commissioners voted in favor.

Item 3: 09-CUP-06 – Consideration and vote on a conditional use permit for a light auto service business at 812 South Silver, Bruce Brown, applicant.

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

Planner Gotfredson presented the staff brief. He explained that future plans may include the return of the gas and convenience store but for now the applicant desires to utilize the property as a used car business. Mr. Gotfredson reviewed the suggested conditions.

Planner Gotfredson stated that his findings were that the application is consistent with Section 21.220 of the LDO, the conditions of approval are consistent with Section 21.222 of the LDO and that the application will not be detrimental to the health, safety or general welfare of the community. Mr. Gotfredson's recommendation is to approve the application with the noted conditions.

Planner Gotfredson stated that he felt it was a good fit for the area. The applicant has established a good relationship with staff and has been good to work with through the process. He stated the applicant is in attendance.

Mr. Brown stated that he liked the area and had a desire to operate a used car business. He stated he feels that there is a good area for displaying vehicles and space for any possible future employees.

Chair Cowman asked if anyone in attendance had any comments or questions. There were no comments from those in attendance.

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

Commissioners Gage and Wrischnik made a motion to recommend approval of the conditional use permit with the following conditions:

- 1. Applicant shall provide a signage plan.*
- 2. Applicant may not use site for open storage of inoperable vehicles.*
- 3. Applicant shall consult with Community Development Department before beginning gas or convenience store services.*
- 4. At any time, the City may institute revocation of the conditional use permit for violations of the conditions of approval, expiration, or the reasons specified in Section 21.225 of the Land Development Ordinance. The City shall provide notice to the landowner and public in the same manner as was provided for the establishment of the conditional use permit.*

All commissioners voted in favor.

Item 4: **09-CUP-07** – Consideration and vote on a conditional use permit for a pet grooming business at 5 North Silver, Tracy Cottle, applicant.

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

Planner Gotfredson presented the staff brief. He reviewed the suggested conditions and explained that they are consistent with those that were established when the LDO text amendment for pet grooming was adopted.

Planner Gotfredson explained that the applicant currently has a similar operation and there have been occasions when the owner of an animal was unable to pick up an animal prior to the close of business. Mr. Gotfredson asked the commissioners their feelings on an occasional overnight boarding of an animal at the business, he explained it was not a need but a convenience.

Planner Gotfredson stated that his findings were that the application is consistent with Section 21.220 of the LDO, the conditions of approval are consistent with Section 21.222 of the LDO and that the application will not be detrimental to the health, safety or general welfare of the

community. Mr. Gotfredson recommends approval of the application with the recommended conditions.

Mr. George Norton who owns the building stated that he would be a neighbor to this business and he did not have any concerns about noise, smell or otherwise with the proposed business.

There were no other comments from those in attendance.

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

Commissioner Cowman stated that the only issue of concern for him was the overnight boarding of animals. He stated he felt no overnight boarding was easier to enforce than an occasional boarding.

Commissioners Cowman and King made a motion to recommend approval of the conditional use permit with the following conditions:

- 1. Adequate ventilation shall be provided between adjoining structures.*
- 2. All pet waste shall be disposed in an approved manner.*
- 3. Noise levels shall be limited so as not to disturb surrounding properties.*
- 4. All chemicals used in the grooming process shall be non-destructive to the public sanitary sewer system.*
- 5. No overnight boarding of pets is permitted.*
- 6. At any time, the City may institute revocation of the conditional use permit for violations of the conditions of approval, expiration, or the reasons specified in Section 21.225 of the Land Development Ordinance. The City shall provide notice to the landowner and public in the same manner as was provided for the establishment of the conditional use permit.*

All commissioners voted in favor.

Item 5: **09-PPC-03** - Consideration and vote on a site plan for a new Lakemary residential building at 100 Lakemary Drive, Triangle Builders, applicant.

Planner Gotfredson presented the staff brief. He stated that the site plan was fairly self explanatory, but there was one item of concern in regards to fire access being provided to all buildings, not just the proposed new structure. The solution that is proposed has been incorporated into this site development. The applicant is proposing a gravel emergency access only road, employees and visitors will utilize existing parking areas. Additionally, two new fire hydrants will be installed to serve the existing buildings.

Mr. Gotfredson explained that this new structure will be used to acclimate new residents to the campus as they transition to other housing. Mr. Gotfredson explained that proposed site plan meets development requirements; the emergency access is the one item to be determined prior to approval.

Planner Gotfredson stated his findings are that the application is consistent with Section 21.625 of the LDO and that the application will not be detrimental to the health, safety or general welfare of the community. His recommendation is to approve the site plan with the conditions that the property owner provide and maintain an emergency vehicle access to the building and satisfactory completion of any engineering comments.

Commissioner Gage asked how the gravel road fit with the rules and regulations when all other roads have been required to be asphalt or concrete. Planner Gotfredson stated that this road was a concern, but in discussions with the Fire Chief he was willing to consider some flexibility to provide access to the existing two buildings.

Commissioner King stated he felt it would seem natural for people to use this drive to deliver students to the new building. Commissioner Wrischnik commented that it appeared to have a concrete entrance that transitioned to gravel and it did not take access from any public streets.

Mr. Alan Hire of Triangle Builders stated that the fire code states only that it has to be an all weather road. What has been proposed came through discussions with Fire Chief Martin. Mr. Hire stated that they had worked with Allenbrand-Drews in utilizing and designing the road with a geo-technical style fabric that allows fire trucks to drive across the road and grass without sinking.

Commissioner Bonner inquired as to how the emergency access road would be made accessible to emergency personnel, but inaccessible to the general public. Mr. Hire stated a gate could be added.

Commissioner Wrischnik commented that if the drive were asphalt it would add to the water run off in the area. Commissioner Bonner commented about on-going maintenance with asphalt.

There was discussion between the Commissioners and Mr. Hire about the campus property and the owner's desire to discourage use of the proposed road by taking access to this road out of the middle of the campus.

Commissioner Cowman made a motion to recommend approve of the site plan for the new building at the Lakemary campus with the conditions that the applicant provide and maintain an emergency vehicle access to the building and that they satisfactorily complete any engineering comments. Commissioner seconded the motion, all Commissioners voted in favor.

Item 6: 09-LDO-03 – Consideration and vote on an amendment to the Land Development Ordinance (LDO) related to condominiums, City of Paola, applicant.

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

Planner Gotfredson presented the staff brief. He stated that he has seen how some applicants could benefit from the proposed amendment. His findings are that the application will not be detrimental to the health, safety or general welfare of the community. Mr. Gotfredson's recommendation is that the LDO be amended as proposed.

Commissioner King inquired about Section 10.530 and why commercial projects were not addressed. Planner Gotfredson explained that only residential uses have to meet the requirements as listed.

There were no comments from those in attendance.

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

Commissioners Cowman and Wrischnik made a motion to recommend approval of the proposed amendment to the LDO. All Commissioners voted in favor.

Item 7: 09-PPC-02 – Consideration and vote on a site plan for a single family attached building at approximately 1090 Industrial Park Drive, Ernie Pratt, applicant.

Planner Gotfredson presented the staff brief. He stated that this has been discussed for some time with staff and the project is now coming to fruition. He reviewed the site plan and indicated that requirements are easily met given the size of the tract.

Planner Gotfredson's findings are that the application is consistent with Section 21.625 of the LDO and that the application will not be detrimental to the health, safety or general welfare of the community. Mr. Gotfredson's recommendation is to approve the site plan with the conditions to submit a plat for subdivision of the property into separate ownership and to provide six (6) plant units for landscaping.

Commissioner Gage inquired if the property south of this site is in the flood plain. Planner Gotfredson stated that it is near, but was unable to recall the exact location.

Commissioners Gage and Bonner made a motion to recommend approval of the site plan for the single family attached residence at the northwest corner of Hospital and Industrial Park Drive with the condition to submit a plat for subdivision of the property into separate ownership and to provide six (6) plant units of landscaping. All Commissioners voted in favor.

Item 8: 09-PPC-04 – Consideration and vote on a design review for commercial apartments at 202 West Wea, Troy Allen, applicant.

Planner Gotfredson presented the staff brief. Mr. Gotfredson gave a brief review of the current site and the applicant's desires. He stated that the design standards for the Downtown district

provide the perimeters for the discussion on this property. The applicant's proposal would be an improvement to the building and area. The properties across from this building are residential and Mr. Gotfredson stated it did not seem unreasonable to allow a façade similar to the existing residential structures in the neighborhood.

Planner Gotfredson stated his findings are that the application is consistent with Section 15.210 of the LDO. The request is an improvement over existing conditions. The request is consistent with adjacent buildings. The request is in harmony with neighboring properties. The application will not be detrimental to the health, safety or general welfare of the community.

Planner Gotfredson recommends that the use of hardie board lap siding be approved for commercial apartments at 202 West Wea.

Commissioner Gage inquired if there was a sidewalk along the entire south side of the building and what happened to the walk at the existing ramp. He stated he was concerned about having another sidewalk that leads to nowhere. Mr. Gotfredson agreed that the walk extends the entire length of the building. Mr. Hire stated that he believe the walk wrapped around the building.

Commissioner Wrischnik inquired if the building is currently empty and Mr. Gotfredson indicated it is. Commissioners Wrischnik, Cowman and Bonner all stated they felt it would be a good improvement and help clean up the property.

Commissioners Bonner and Gage made a motion to approve the use of hardie board lap siding on two commercial apartments at 202 West Wea.

Item 9: **09-LDO-04** – Consideration and vote on an amendment to the LDO related to noticing for public hearings, City of Paola, applicant.

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

Planner Gotfredson presented the staff brief. He stated that he felt this is just one of the things he felt could be updated that will benefit applicants. Mr. Gotfredson stated that noticing should be close to what the state requires. There are a couple of changes to words that save a considerable amount of money.

Planner Gotfredson's findings are that the application will not be detrimental to the health, safety or general welfare of the community. Mr. Gotfredson recommends amending the LDO as proposed.

Commissioner Cowman wanted to verify that the requirements for the mail to be sent certified and for the applicant to send the letters would be removed. Planner Gotfredson verified that was correct and stated that the applicant can still send the letters, but this would give them the option to have staff send the letters.

Commissioner Cowman stated that staff will end up sending letters and expressed his concern about staff's time and cost of doing the mailing for the applicant. Commissioners Bonner and Gage expressed concern about credibility and proof of letters being sent by the applicant. Commissioner King agreed and stated that staff almost has to send if they are not being sent via certified mail.

Commissioner Cowman inquired if any decisions would be null and void if one person did not get a letter. Planner Gotfredson explained that the worst case scenario for any failure to notice would constitute a 're-do' of the public hearing.

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.

Commissioner Cowman asked about costs to the applicant for staff to send letters. Staff indicated that there is currently a \$2.50 charge per letter for staff to send letters for the applicants.

Commissioners Cowman and Bonner made a motion to recommend approval of the proposed amendment of the LDO. All Commissioners voted in favor.

Item 10: Planner Report

Planner Gotfredson stated the he is planning another brief training for the August meeting. If there are any specific topics that commissioners would like to discuss he would appreciate being notified. If there are no suggestions or requests, he stated he will plan on training on takings and exactions. He explained that the LDO review will resume next month.

Item 11: Items from Commissioners

Several commissioners inquired if Great Southern Bank had obtained sign permits. Staff indicated that they had obtained permits for the permanent changes.

Commissioner Bonner inquired about the cars that have been sitting on the city lot at Piankishaw and Silver advertised for sale. Staff indicated they would investigate.

Commissioner Gage asked for a status update on the road behind the Z building and when/why it was marked as a private road. He stated that City Manager Wieland had indicated at a previous meeting that he would look into his inquiry and get back with him.

Item 12: Adjournment

Commissioners Cowman and Bonner made a motion to adjourn. All Commissioners voted in favor.

Commissioners Bonner and Cowman made a motion to adjourn the meeting. All commissioners voted in favor.