

**MINUTES OF THE PLANNING COMMISSION MEETING**

**PLANNING COMMISSION/  
BOARD OF ZONING APPEALS**

**April 20, 2010**

**Commissioners Present:** Cowman, McLean, Smith, Gage

**Commissioners Absent:** Bonner, Wrischnik

**Others Present:** Mike Gotfredson, Amy Barenklau, Jay Wieland, Brian McCauley, Jackie Brewer, Rob George, Pat Hewitt, Dave Dietrich, Dick Allenbrand, Larry Lisbona, Robert & Deb Weatherbie, Kirk Johnston, Artie Stuteville

**Item 1: Pledge of Allegiance**

**Item 2: Consider minutes from the January 19, 2010 meeting**

Chair Cowman called the meeting to order. The first order of business was the consideration of the minutes from the January 19, 2010 meeting.

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

**Item 3: Election of Chair and Vice-Chair for the Planning Commission.**

*Commissioners Smith and Gage made a motion to re-elect Commissioner Cowman as Chair of the Planning Commission. All Commissioners voted in favor.*

*Commissioners Cowman and Gage made a motion to re-elect Commissioner McLean a Vice-Chair of the Planning Commission. All Commissioners voted in favor.*

**Item 4: Public Hearing: Consideration and vote on a zone change from Neighborhood Conservation to Industrial at 310 South Petroleus Street, Paola Realty Partners, LLC, applicant.**

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

Planner Gotfredson presented an overview of current properties, zoning and land use. He explained the property was zoned as Neighborhood Conservation around 1997, but previously had been Industrial zoning. There is currently residential and light industry in the area.

Planner Gotfredson stated that he had received a couple of calls from residents stating that even with the current low truck traffic that there was difficulty navigating turns and that truck traffic was of concern if the zone change was approved.

Planner Gotfredson stated that staff encourages improvement of the site and if the property was vacant the argument to rezone would be more difficult to justify. The current state of the property may help argue that there is more reason to approve the zone change.

Planner Gotfredson recommends approval of the zone change with the conditions that a building permit for substantial improvements to the site and building be issued within 18 months of the zone change, that the applicant pay a proportionate share of cost to improve roads impacted by truck traffic, that trucks accessing the site must follow a route approved by the City Council, and that failure to comply with the conditions will cause zoning to revert to NC-R2.

Staff findings are that the application is consistent with Section 21.210 of the LDO, the conditions of approval are consistent with Section 21.200 of the LDO, and that the application will not be detrimental to the health, safety or general welfare of the community.

Chair Cowman asked if the applicant had any comments. It was noted that the applicant was not in attendance, and did not have any representatives in attendance.

Chair Cowman asked if there were any comments from the public. Jackie Brewer, 11 Morningside Drive, stated that she owns the two lots adjacent to the subject property on Chippewa Street. She stated that her plans were to eventually build single family residential structures on this property and had spoken to the City previously and agreed to donate space for a park and for a walk to Wallace Park. The economy has held up the plans, but the plans are still to build houses on a cul-de-sac on this property.

Mrs. Brewer stated that current roads don't facilitate the proposed use. She voiced her concerns about property values and stated that the City had told her in previous discussions that the plans were to revitalize the area as single family residential and to keep it as residential. Those discussions occurred prior to her purchasing the property and helped determine her purchase of the properties. Mrs. Brewer also stated that the proposed spot zoning did not fit the character of the neighborhood and that it did not fit the comprehensive plan for the area.

There were no additional comments from those in attendance.

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

Commissioner Cowman inquired about the flow of traffic and stated it appeared from the provided map that the only way for truck traffic would be to travel on West and Peoria Streets. Planner Gotfredson confirmed that would be the approved truck route.

Commissioner Smith inquired if the applicant had any thoughts or concerns about paying a portion of costs to improve the streets and if that would change the applicant's mind. Planner Gotfredson stated that if the applicant was not open to absorbing some of the costs to improve the roads that it would most likely be a deal breaker for the City as it would require substantial improvements to both West and Peoria Streets. Commissioner Gage inquired what the applicant's share of costs would be and Planner Gotfredson stated that it would be hard to estimate without additional information about the intensity of planned use for the property. Planner Gotfredson stated that the cost to improve those streets was more than the City had in its budget.

Commissioner Gage stated it was hard to perform a traffic study when it is unknown what is planned for the property. He stated that the information was too vague.

Commissioner Cowman stated it was difficult to justify a spot zoning when the potential use is unknown and potential traffic is unknown, which will impact side roads in residential areas. He agreed that it would be nice to clean up the building and property but stated that he felt like a lot would be given up to accomplish that by rezoning.

*Commissioners Cowman and Gage made a motion to recommend denial of the zone change at 310 South Petroleus from NC-R2 to Industrial. All Commissioners voted in favor.*

Planner Gotfredson explained to Mrs. Brewer that this would be forwarded to the City Council for a final determination.

**Item 5: Consideration and vote on a concept plan for the Lighthouse Presbyterian Church at the northwest corner of 303<sup>rd</sup> and Hedge Lane, Lighthouse Presbyterian Church, applicant.**

Planner Gotfredson reminded Commissioners that the plat for this property had been approved last summer. He reviewed the background of the property and reminded Commissioners of the procedure for concept plans.

Planner Gotfredson discussed the layout of the plan and noted that future phases were shown on the concept plan. He stated that a couple of items had been noted during review and would need to be resolved prior to a final plan was approved.

Planner Gotfredson recommends approval of the concept site plan for Lighthouse Presbyterian Church with the condition that a detailed landscaping plan showing compliance with landscaping requirements of the LDO be submitted, a fire land access within 150 feet of all exterior walls be provided and that the applicant provide decorative façade on all sides of the building.

Findings are that the application is consistent with Section 21.620 of the LDO and that the application will not be detrimental to the health, safety or general welfare of the community.

Planner Gotfredson stated that the applicant is in attendance and available to answer any questions from the Commissioners.

Larry Lisbona, architect for the applicant stated that the applicant is anxious to begin their project and confirmed their desire to stucco two sides of the building and leave two sides as metal until future date when expansion occurs. He stated that the required changes will be made as requested.

Commissioner Gage stated that the Commissioners have had to make decisions about metal buildings previously and he understands that cost is a consideration. He stated that the high school had used pre-formed concrete walls that can be removed, but understands that is expensive. He stated he was concerned how long the metal might remain since there is no idea how long it will be before the Church expands. Commissioner McLean agreed that it would be hard to predict when the expansion would happen.

Pastor Kirk Johnston stated that the growth of the Church would determine their needs. They want to grow and plans are to grow; they don't have any way to anticipate how quickly, but hopes are to expand within 6 to 9 years.

Rob George, Legacy Contractors, explained that the floor plan is laid out with classrooms to the south side of the building and the north is set up for future fellowship expansion. Based on use and future needs, the south side (classrooms) would probably happen first.

Pastor Johnston explained that the reality is that this project is at the edge of their budget and that is why they are asking for a design review, it will determine project.

Commissioner Smith stated he would like to find a compromise to keep this project moving forward for everyone. Commissioner Cowman stated he had similar concerns as Commissioner Gage. In the past the school district was held to the standards along with other applicants. Commissioner Cowman empathized with the additional costs, but stated it is hard to deviate from what the Commission has done previously.

Commissioner Gage agreed that it was sometimes hard to make these decisions and reiterated that he wants to see this building built, but consistency is so important in the Commissions decisions.

Commissioner Smith inquired about the difference in cost. Mr. Rob George asked if the Commissioners would consider wainscoting instead of paneling the entire side. Planner Gotfredson read from the LDO that in this zoning district metal buildings are prohibited, but in some other districts metal is allowed if street facades have decorative material.

There was continued discussion among the Commissioners and the applicant about buildings in the general vicinity and how they had been constructed.

Planner Gotfredson stated that if the Commissioners were giving consideration to allowing flexibility and had concerns about setting a precedent that if findings are unique to this situation that could be stated in the motion to allow for the flexibility without concerns about setting a precedent.

Commissioner Cowman stated that he would like to get to a compromise that would help contain costs while adding visually to the sides. Commissioner Gage stated he might change his vote if the two sides received wainscoting.

Commissioners and Rob George had discussion about using wainscoting all three or four sides instead of two sides with stucco and two with wainscoting. City Manager Wieland reminded Commissioners that his understanding of the LDO was that they could possibly deviate on the two sides due to expansion plans, but that the requirements for the other sides was not negotiable.

There was some additional discussion about compromises and what would be required.

*Commissioners Cowman and Gage made a motion to approve the concept plan for Lighthouse Presbyterian Church with the following conditions: 1) a detailed landscaping plan that shows compliance with landscaping requirements of the LDO be submitted; 2) that fire lane access be provided within 150 feet of all exterior walls; 3) that a decorate façade be provided on the east and west facades of the building; and 4) that the north and south facades be wainscoted with some type of masonry material.*

*All Commissioners voted in favor.*

Commissioner Smith inquired if stucco would be cheaper than stone and Rob George stated it would be.

**Item 6: Consideration and vote on a preliminary and final plat for a four lot subdivision at approximately 30175 W. 287<sup>th</sup> Street, Robert J. Weatherbie & Deborah K. Weatherbie, applicant.**

Planner Gotfredson gave an overview of the plat and explained that there were a couple of items that would need to be resolved prior to filing of the plat as presented. Planner Gotfredson recommends that the preliminary and final plat for Bell Creek Estates be approved with the condition that access restrictions given by Miami County Engineer be noted on the plat.

Planner Gotfredson's findings are that the application is consistent with Section 21.620 of the LDO and that the application will not be detrimental to the health, safety or general welfare of the community.

Applicant Robert Weatherbie stated that they would like to divide the property into practical lots.

*Commissioners Gage and Smith made a motion to recommend approve of the preliminary and final plat for Bell Creek Estates with the condition that access restrictions be noted on the plat as required. All Commissioners voted in favor.*

**Item 7: City Planner Report**

Planner Gotfredson thanked Commissioners Bonner and Smith for accepting reappointments.

Mr. Gotfredson stated he had provided some training information in their packets, which he had planned prior to receiving the applications that were presented during this meeting. He told Commissioners to feel free to contact him with any questions.

Planner Gotfredson informed the Commissioners that the City was holding a public meeting at 7:00 pm this evening at the Paola Justice Center to inform residents about the plan of action for prohibiting parking on one side of certain streets.

**Item 8: Items from Commissioners**

Commissioner McLean inquired about the properties in the community growth area that staff had been addressing prior to the bridge reconstruction. Planner Gotfredson updated the Commissioners that Miami County will be pursuing as nuisance code violations.

**Item 9: Adjournment**

*Commissioners Gage and Cowman made a motion to adjourn the meeting. All Commissioners voted in favor.*

Meeting was adjourned at 5:59 pm.