

MINUTES OF THE PLANNING COMMISSION MEETING

**PLANNING COMMISSION/
BOARD OF ZONING APPEALS**

June 15, 2010

Commissioners Present: Cowman, McLean, Smith, Gage, Bonner, Wrischnik, Peterson
Commissioners Absent: None

Others Present: Mike Gotfredson, Amy Barenklau, Brian McCauley, Pat Hewitt, Rob George, Kirk Johnston, Dave Dietrich, Bruce Ludwick, Larry Lisbona

Item 1: Pledge of Allegiance

Item 2: Consider minutes from the May 18, 2010 meeting

Chair Cowman called the meeting to order. The Commissioners welcomed new Commissioner Peterson. The first order of business was the consideration of the minutes from the May 18, 2010 meeting. Commissioner Gage stated that he should have been listed as absent from the meeting.

Commissioners Cowman and McLean made a motion to approve the minutes with the noted changes. Commissioners Cowman, McLean, Smith, Bonner and Wrischnik voted in favor. Commissioners Gage and Peterson did not vote due to absence at the meeting.

Item 3: Consideration and vote on a final site plan application at the northwest corner of 303rd and Hedge Lane, Lighthouse Presbyterian Church, applicant.

Planner Gotfredson presented the staff brief and gave a brief overview of the history of the project. He noted that the location of the building had moved slightly to accommodate fire protection and decorative wainscoting has been added.

Mr. Gotfredson noted that per Section 11.152 of the LDO sidewalks are required along both sides of arterial streets. He explained the current state of sidewalks in the general area and gave background information on why USD 368 had not installed walks along Hedge Lane when Cottonwood Elementary School was built. At the time the school was built, a waiver was given so the school district did not have to install sidewalks until the City deems them necessary.

Another option would be to set up an escrow account for the sidewalks and draw from the account when sidewalks are needed. Mr. Gotfredson said that the applicant would prefer a

waiver. Staff prefers to establish an escrow account, but would like the Commissioners to make a determination on the requirement for walks along Hedge Lane.

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.

Planner Gotfredson's recommendation are to approve the final site plan for the Lighthouse Presbyterian Church with the condition that the drainage swale is a minimum of 2.0% at all discharge points and that sidewalks are installed along Hedge Lane or an escrow account established for future installation.

Commissioner Cowman inquired about other walks along Hedge Lane to the north of the school and applicant; there would be no connection for the sidewalk if installed. Commissioner Smith stated his memory was that most of the walks stopped where the road improvements ended. Planner Gotfredson felt that was an accurate statement.

Commissioner Cowman expressed his concern that if an escrow account was established, it might be quite some time before the walks would be installed which ties up money for a long period of time. Commissioner Smith stated that if walks were installed now, that when the road is widened in the future they could be in the wrong location and torn out.

Commissioner Cowman stated he felt signing a letter of agreement with the applicant to install the sidewalks when the City deems them necessary was the best resolution. Commissioners Smith, McLean and Gage agreed.

Commissioners Cowman and Smith made a motion to recommend that the final site plan for Lighthouse Presbyterian Church be approved with the conditions that the drainage swale at all discharge points be a minimum of 2.0% and that the applicant sign a letter of agreement with the City to install sidewalks along Hedge Lane when the City determines they are necessary. All Commissioners voted in favor.

Item 4: Consideration and vote on a design review for a new restaurant building at 302 Hedge Lane (modification to previously approved design), Genesh, Inc., applicant.

Planner Gotfredson presented the staff brief and gave a brief overview of the modified plan. He stated that the changes had come in just shortly after the previous approval and were minimal. His 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.

Mr. Gotfredson finds the proposed request to be consistent with the requirements in all material respects and recommends that the design review be approved.

Commissioners Gage, Cowman and Smith agreed that historically there may have been discussion about the use of red when McDonald's and Arby's site plans were submitted.

Commissioners Bonner and Cowman made a motion to approve the design review for a new restaurant building at 302 Hedge Lane. All Commissioners voted in favor.

Item 5: Consideration and vote on text amendments to Article 7 Signs of the Land Development Ordinance, City of Paola, applicant.

Commissioner Cowman stated that in reviewing the minutes he had noted that the public hearing had not been closed at the last meeting.

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

Planner Gotfredson gave an overview of the changes that were made since the May meeting and gave Commissioner Peterson a quick explanation of why changes were being sought. Mr. Gotfredson's findings are that the application is consistent with Section 21.212 of the LDO and that the application will not be detrimental to the health, safety or general welfare of the community.

Planner Gotfredson recommends that the Commissioners determine if the proposed changes are desired improvements to the LDO.

Commissioner Smith asked about staff's findings on size limitations for electronic signs and stated that he felt the 48 square feet maximum might be easiest to monitor. Planner Gotfredson stated that research of surrounding jurisdictions requirements was mixed, some had set size limits, some percent limits and some did not have any limits.

Commissioner Cowman stated that on page 7-5, item 2 he noted there might be an error. Gotfredson stated that it appeared he had gotten part of the item corrected, but missed the second part. Staff noted that it should read '...for no longer than six (6) months.'

Commissioner Bonner noted that he had noticed more banners around town since the last meeting. Several other Commissioners commented on the increasing use and felt cost was a determining factor. Commissioner Peterson stated that he has used them at his business and they are very reasonably priced.

Commissioners Cowman and Peterson discussed the permit and enforcement procedures for the new regulations with Planner Gotfredson.

Commissioners Cowman and Gage made a motion to approve the text amendments with the noted changes to Section 7 Signs of the Land Development Ordinance. All Commissioners voted in favor.

Item 6: Consideration and vote on various text amendments to the Land Development Ordinance, City of Paola, applicant.

Planner Gotfredson presented the brief and gave an overview of the background and changes that had been discussed. Findings are that the application is consistent with Section 21.212 of the LDO and that the application will not be detrimental to the health, safety or general welfare of the community.

Planner Gotfredson recommends that the Planning Commission determine if the proposed changes are desired improvements to the Land Development Ordinance.

Commissioners Cowman, Wrischnik and Bonner agreed that the changes appeared to be as they had discussed at the last meeting.

Commissioners Cowman and Smith made a motion to approve the rural residential text amendments as submitted to the Land Development Ordinance. All Commissioners voted in favor.

Item 7: City Planner Report and Items from Commissioners

Planner Gotfredson reiterated the welcome to Commissioner Peterson and thanked him for his willingness to serve.

Mr. Gotfredson gave an update on the Brewers Automotive Conditional Use Permit. He explained he had performed a site visit and he was in compliance. He stated that he had gone by again today and noted that the biggest issue seems to be vehicles right outside the doors of the business. The owner has agreed to try to keep the drop off and overnight cars behind the fence to stay in compliance.

Planner Gotfredson informed the Commissioners that the updated LDO is now on the website so it can be viewed, downloaded or printed at their convenience. He asked that anyone who desires a hard copy to please let him know. Commissioners Gage, Peterson, Smith, McLean and Bonner all indicated their desire to have an updated hard copy. Commissioner Cowman asked to be informed when the new changes have been updated on the website. Planner Gotfredson stated it would be after the City Council meeting next week.

Planner Gotfredson noted that Commissioners had an invitation to the retirement reception for County Planner Director Charlene Weiss. He also informed Commissioners that the Farmer's Market was being held on the square and encouraged members to visit. The organizers have spent a lot of time and effort and it was worth visiting.

There were no items from the Commissioners at this time.

Item 9: Adjournment

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

Meeting was adjourned at 5:35 pm.