

MINUTES OF THE PLANNING COMMISSION MEETING

PLANNING COMMISSION/ BOARD OF ZONING APPEALS August 20, 2013

Commissioners Present: Cowman, McLean, Pfefferkorn, Benton

Commissioners Absent: Hardwick, Meinig

Others Present: Mike Gotfredson, Amy Barenklau, Brian McCauley, Paul Luce, Steve Johnson, James Battaglia, Lacey Kane

Item 1: Pledge of Allegiance

Item 2: Consider minutes from the July 16, 2013 meeting.

Chair Cowman called the meeting to order. The first order of business was the consideration of the minutes from the July 16, 2013 meeting.

Commissioners Pfefferkorn and Cowman made a motion to approve the minutes as submitted, with Commissioners Pfefferkorn, Cowman voting in favor. Commissioners McLean and Benton abstained.

Item 3: Public Hearing: Consideration and vote on an amended Conditional Use Permit for 410 N. Silver, Mike Hudgeons, applicant.

Planner Gotfredson presented the background of the applicant's request. He explained the Land Development Ordinance requirements for limiting the total area for exterior storage. He reviewed the location of existing sheds on site and discussed the site with the Commissioners. He explained that if the LDO regulations were allowed, 2800 square feet could be allowed for car and shed displays. He suggested that shed display area be limited to 800 square feet. He explained that letters were sent to surrounding property owners and that staff had not received any negative feedback from those notified.

Planner Gotfredson's findings are 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.

His recommendations are to approve the application with the following conditions.

1. Total area of sheds be no greater than 800 square feet.

2. All sheds conform to setback and clearview restrictions as if they were permanent structures.
3. All sheds be adequately screened from neighboring residential properties.

Mr. Gotfredson introduced Mr. Hudgeons to the Commissioners and explained he would be happy to answer any questions they might have. The applicant provided brochures on the sheds he would like to offer and explained that he needs to have 5 or 6 sheds on site to show the different styles available. The display models range in size from 8x12 to 8x14.

Commissioners Pfefferkorn inquired if the recommended 800 square feet for shed display would be enough room to display the required models. Mr. Hudgeons explained that he has worked in automotive retail for many years and he feels he would be able to set up a display that would look nice, but might be too crowded. He indicated that he would like to keep the sheds on the north side of the existing building and automobiles on the south side. He also clarified that the buildings he would have on site could be sold, they are not just models. He also informed Commissioners that 75% of buildings sold are through orders.

Commissioner Pfefferkorn stated he understood that 800 square feet was not a lot of space for displaying the sheds and if the applicant would like more area, the item could be tabled. He stated he agreed with Planner Gotfredson's recommendation to limit the location so that buildings on display would not become a site issue.

Mr. Hudgeons stated that with the location of the street entrance on the north side of the property, he would not place sheds in a location that would block the drive. He stated he would like more space to display sheds and have ability to display closer to mid-lot instead of being contained to staying even with the façade of the existing building.

Commissioner Cowman stated he was torn on limiting the total square footage of display area because he felt it was hard to know how the limits would affect the owner's ability to display products.

Planner Gotfredson explained that the LDO allows 200% of the building area for the display and he felt that limiting the applicant to a specific size would avoid staff having to visit site to determine if compliance was being met every time a new vehicle or building was brought on to the site.

Commissioner Cowman suggested maybe the restriction should be defined as a location on the property instead of as defined square footage. Commissioner Pfefferkorn agreed with Commissioner Cowman.

There were no additional comments from those in attendance.

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

Commissioner Pfefferkorn made a motion to recommend approval of the amended Conditional Use Permit for the sale of sheds at 410 North Silver with the condition that display models be located in the northwest corner of the property and maintain setbacks as per the Land Development Ordinance. Displays shall not encroach on drive on north end of the property. Commissioner McLean seconded the motion. All Commissioners voted in favor.

Item 4: Consideration and vote on a sign deviation for a sign for Miami County Medical Center at 2100 Baptiste Drive, Miami County Medical Center, applicant.

Planner Gotfredson explained that the applicant has a presentation and he would allow them to present at this time. His report shows that he finds that the application is not consistent with Sections of 21.245 of the LDO. His recommendation is to deny the proposed sign deviation request.

Paul Luce with Miami County Medical Center and Steve Johnson and James Battaglia with Signtronix, Inc. were in attendance and gave a visual presentation to the Commissioners explaining the current site, their plans and how they felt their request for a sign deviation met the Land Development Ordinance requirements for approval of the deviation. Some of their main points were that the hospital is not easily identified as such, their services are not displayed prominently and they would be able to post community information on the sign; also if they install a smaller sign it will have to scroll instead of displaying static images.

Commissioner Cowman stated that the sign location has limited visibility and is only seen when north bound on 169 Highway, driving east on Baptiste Drive and entering the northbound ramp to 169. He stated that there is a lot of traffic at the intersection near this sign and the proposed sign would be a distraction to drivers.

Commissioner Benton inquired if Planner Gotfredson had knowledge of Spring Hill's sign regulations along 169 Highway. He responded he was not aware of their regulations.

Planner Gotfredson stated that several current commissioners have served as changes have been made to sign regulations to allow for new technology. He stated that just because it can be done, does not mean that it should be done. He stated there are other ways to advertise their services and the current sign is already much larger than is allowed by regulations. He stated that the existing sign is already unique and if the deviation was approved it would be crossing a lot of boundaries.

Commissioner Pfefferkorn stated that there is not currently any other businesses, or development, in the immediate vicinity but the commission's decision would set precedence for future development.

Mr. Johnson with Signtronix suggested that some cities sign ordinances are established by type of business and their needs, such as the Sprint Center and would allow larger signs based on the

use of the business. Mr. Luce stated that many people do not realize all the services provided by the hospital and direct mail did not seem to be effective. Mr. Battaglia with the sign company said he felt a very critical piece of information was missing from the existing sign and that with the electronic sign the emergency room could be displayed so those traveling on the highway would know there was an emergency facility located there.

Commissioner Benton stated that she felt if the larger sign was also used to post community information she would find it more difficult to determine if the building was a hospital or a community building and vice versa. She felt that the sign should not have a sign that changes so that drivers would definitely know it was a hospital.

Commissioner Pfefferkorn expressed concerns that if the deviation was approved that other businesses along Baptiste, such as Wal-Mart, would want to follow suit and request larger signs as well in attempts to attract more traffic.

Commissioner Cowman stated he understood the need, want and desire for the proposed sign, but he was on the commission when the standards were created and he did feel and still feels that the standards are good and if deviations such as this are allowed that it is hard to know when to stop allowing them.

Commissioners Cowman and Pfefferkorn made a motion to deny the request for a sign deviation at Miami County Medical Center. All Commissioners voted in favor.

Item 5: **Public Hearing:** Consideration and vote on amendments to the Comprehensive Plan related to trails, City of Paola, applicant.

The Commissioners agreed to continue this item until the next meeting.

Item 6: **Public Hearing:** Consideration and vote on amendments to the Land Development Ordinance related to trails, City of Paola, applicant.

The Commissioners agreed to continue this item until the next meeting.

Item 7: **Public Hearing:** Consideration and vote on technical updates to Land Development Ordinance related to flood plain management regulations, City of Paola, applicant.

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

Planner Gotfredson presented an overview of the reason the changes were required and what they encompassed. The findings are that the application is consistent with Section 21.212 of the

LDO by implementing a new portion of the Comprehensive Plan and addresses changing conditions and the application will not be detrimental to the health, safety or general welfare of the community. Planner Gotfredson's recommendation is to approve the proposed text amendment as submitted.

There were no comments from those in attendance.

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

Commissioner Pfefferkorn inquired about flood plains within city limits. Planner Gotfredson explained that they are in Wallace Park, near the mini storage along North Pearl and near Pizza Hut, south in front of the Police Department and some other areas. He explained that the State had been helpful during the process of updating the maps.

Commissioners Cowman and Pfefferkorn made a motion to recommend approval of the text amendment related to flood plan management regulations as submitted. All Commissioners voted in favor.

Item 8: City Planner Report and Items from Commissioners

Planner Gotfredson updated Commissioners that the senior townhomes occupancy inspections were continuing and would be completed soon. He updated them on the county jail proposal and asked members for potential training topics.

Item 9: Adjournment

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

Meeting was adjourned at 6:01 pm.