

MINUTES OF THE PLANNING COMMISSION MEETING

PLANNING COMMISSION/ BOARD OF ZONING APPEALS March 18, 2014

Commissioners Present: Cowman, McLean, Hardwick, Wrischnik, Meinig
Commissioners Absent: Pfefferkorn

Others Present: Mike Gotfredson, Amy Barenklau, Melissa West, Tiffany Smith, Ronnie White, Ron White, Allysha Newton

Item 1: Pledge of Allegiance

Item 2: Consider minutes from the December 19, 2013 meeting.

Chair Cowman called the meeting to order. The first order of business was the consideration of the minutes from the December 19, 2013 meeting.

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

Item 3: Public Hearing: Consideration and vote on a Conditional Use Permit for a Automobile sales business at 508 Baptiste Drive, Ronnie White, applicant.

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

Planner Gotfredson presented the staff brief and requirements for a Conditional Use Permit in Thoroughfare Access zoning. He reviewed the Land Development Ordinance (LDO) guidelines and standards for CUPs.

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 the application will not be detrimental to the health, safety or general welfare of the community.

Recommendation is to approve the application with the following conditions:

1. All vehicles on premise must be operational.
2. Adequate parking must be maintained for all uses on property.
3. Planning Commission will review permit in six months.

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.

Planner Gotfredson stated that notices were sent, but staff did not receive any calls from property owners that were notified. He stated that the applicant, Ronnie White, was in attendance if Commissioners had any questions.

Commissioner Hardwick inquired if the owners of Liberty Tax were aware of the request and asked for verification that there was room for both businesses at this location. Mr. White indicated that they were aware and that he had worked with the owners to ensure there was parking for the existing business.

Commissioner McLean inquired if there should be a condition put on operating hours. Planner Gotfredson indicated that if the business was closer to residential properties that it might be more important, but if Commissioners wanted a condition on hours could be added. Commissioner McLean inquired if the business would be open weekends. Mr. White indicated that his plans were to be open maybe 10am – 2pm on Saturday and not open on Sundays. This seemed to satisfy Commissioner's concerns about hours.

Commissioner Cowman asked Planner Gotfredson if the six month review condition was normal. Planner Gotfredson stated that it had been done with the CUP for the pet groomer. It is not a renewal, but is a way for staff to check on the business and ensure conditions are being met.

There were no comments from those in attendance.

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

There was no additional discussion among Commissioners.

Commissioners Cowman and Hardwick made a motion to recommend approval of the Conditional Use Permit for an automotive sales business at 508 Baptiste Drive with the proposed conditions. All Commissioners voted in favor.

Item 4: Consideration and vote on changes to the Land Development Ordinance related to senior housing.

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

Planner Gotfredson indicated that the City initiated this amendment. There have not been specific issues in the past, but the Governing Body wanted to be proactive. In the

Comprehensive Plan promoting senior housing was noted. In Section 03.321 of the Land Development Ordinance, senior housing is grouped with multi-family. There are requirements addressed in the section that don't really apply to senior housing.

Commissioner Cowman clarified that if the senior housing was exempted from the section in the LDO then it would fall under general requirements in the LDO. Planner Gotfredson confirmed that was true.

Commissioner Cowman stated that he remembered when Osage Terrace was presented that a lot of variances had to be granted for parking and other items based upon the use. He stated that he was familiar with the development and half the residents do not have vehicles and therefore parking has not been an issue.

Commissioner Wrischnik inquired if the changes could affect someone who wanted to convert existing apartments to senior housing. Planner Gotfredson indicated that it would, with some requirements such as density still being applicable.

Commissioner Hardwick inquired what would happen if this was changed and then senior housing was developed and failed, how it would affect owners wanting to convert them to multi-family. Planner Gotfredson stated it would have to be handled if it occurs, but that it has not been an issue. He stated that there is currently a waiting list for the newly developed Paola Senior development on Hospital Drive.

Commissioner Cowman inquired if there was a way to accomplish the goal without making the change to the LDO. Planner Gotfredson stated that variances could be requested and reviewed, but then there would be a precedent. Commissioner Cowman then asked if a new section could be added to the LDO that addressed senior housing only. Planner Gotfredson said he thought that it could be done by adding the use in the chart instead of adding a section.

Commissioner Cowman stated he liked the idea of having a section that applies just to senior housing and avoids the need to have developers request variances for every project.

Planner Gotfredson asked if Commissioners would like staff to bring this item back before them at a future meeting. Commissioner Cowman stated he would prefer to see something specifically addressing senior housing.

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

Commissioners agreed to address this item at a future meeting.

Item 5: Community/Economic Development Director Report and Items from Commissioners.

Planner Gotfredson gave Commissioners an update on Lakemary, Paola Library and the Jackson Hotel projects. He encouraged members to attend Miami County's meetings on the jail project.

He stated that he had included information in the packets at the request of County Commissioner Roberts. He stated that if the project Commissioner Roberts is proposing moves forward that it would be a site plan approval by the Planning Commission instead of asking for approval to put the building in that location.

Commissioner Wrischnik inquired if there were any potential problems. Planner Gotfredson stated that since it is a historic building that there will be care given to what would be built. Other locations could allow a structure to be built from lesser quality materials. He stated that the proposal would keep the jail downtown and help encourage the county to keep the Courthouse usable instead of moving all services to a new location over a period of time.

Commissioner McLean inquired about the portable storage buildings being sold by Industrial Sealants & Lubricants. Planner Gotfredson explained that the owner had been in and spoke with staff. It is an accessory use to what currently occurs at the business.

Item 6: Adjournment

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

Meeting was adjourned at 5:34 pm.