

## **MINUTES OF THE PLANNING COMMISSION MEETING**

### **PLANNING COMMISSION/ BOARD OF ZONING APPEALS September 19, 2017**

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

**Others Present:** Jay Wieland, Randi Shannon, Doug Laudan applicant and others

**Item 1: Pledge of Allegiance**

**Item 2: Consideration of minutes from the July 18, 2017 meeting.**

Chair Cowman called the meeting to order. The first order of business was the consideration of the minutes from the July 18, 2017 meeting.

*Commissioners Hardwick and Wrischnik made a motion to approve the minutes with all Commissioners voting in favor. McLean abstained due to his absents from the July 18, 2017 meeting.*

**Item 3: Public Hearing: Consideration and vote on a design deviation to setback to an accessory structure at 7 East Terrace, Doug Laudan, applicant.**

The applicant would like to build an approximately 700 sq. ft. (with a 16ft overhang) pole barn style building. The size, location and setbacks for this accessory structure are consistent with the LDO (§03.210 Accessory Uses, Residential). The applicant wishes to use vertical metal siding on all side of the building, except for the front of the building located on the West side which faces East Street. This side of the building will have an exterior complimenting the existing house on this property.

Section 03.210B of the LDO requires all lots of 1 acer or smaller for the building materials to be similar to or compatible with the design, construction, materials, and colors of the main building and be commonly associated with residential construction. Section 15.525G also states that all detached garages shall have exterior siding material consisting of wood, masonry, concrete, stucco, Masonite, vinyl or metal lap.

The applicant wishes to appeal the design standards to be allowed to deviate from the LDO in order to have vertical metal siding.

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

Leon Morgan, contractor for the applicant presented that the owner would like to have the siding of the building metal similar to a pole barn structure, and have the front of the structure with the overhang to have lap siding which compliments the primary residential structure. The front of the structure with the overhang is the only part of the building that faces East Street, a residential street.

Commissioner Cowman asked if the color of the building will match that of the primary structure, with Leon Morgan confirming that it would.

Commissioner Pfefferkorn inquired if it was common in other city's zoning regulations to allow for a similar accessory structure if the façade facing a street is architecturally compatible to the primary structure. City Manager Jay Wieland responded that it is common for other city's zoning regulation to require an accessory building similar to the applicant's to have the faced facing a street and/or alley architecturally compatible with the primary structure.

Commissioner Wrischnik asked the applicant his reasoning for requesting the deviation for vertical siding. Doug Laudan applicant, stated that he worked with the City Planner Mike Gotfredson about constructing the building before he purchased the property. He applied for a building permit and was only told when he permit was approved that he was not allowed the have vertical metal siding on the building which was after he already purchased the vertical siding for the building.

Neighbor Patricia Erickson, 501 S East Street inquired if the applicant was compliant with the size and setbacks of the accessory building due the fact that she feels the building is rather large and that they could possibly be encroaching onto her property. She was not concerned with the metal siding of the building, as long as it blended with the existing residential construction of the neighborhood. Jay Wieland stated that in reference to what the applicant had submitted for review that the structure is compliant with the zoning regulations of the Land Development Ordinance (§03.210 Accessory Uses, Residential).

Neighbor Tim Warkins, 502 S Paola Street asked what the setbacks for the accessory structure are because he sees that the dirt piles are on the property line. Jay Wieland confirmed that the setback are five (5) feet for both the side and rear of the property. Mr. Warkins also stated that he was against the applicants request for vertical siding due to the fact that the size, and metal construction make the building look more like a commercial building and does not think that it will blend in well in the residential neighborhood.

Neighbor Karen Feehan, 502 S East Street implied that it would not be fair to the applicant if the design deviation was not granted due to the fact that the applicant did his due diligence before he purchased the property. Also that he was only informed of the design regulation when he went to pay for the permit.

There was not further discussion from the public.

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

Commissioner McLean expressed his concerns about approving this deviation due to the fact that the Board of Zoning Appeals has denied many similar metal sided structures in the past and allowing this deviation would set a precedent going forward.

Commissioner Cowman shared the same concerns as Commissioner McLean, but stated that the constructed metal buildings are becoming a more common construction practice and that they are also becoming more attractive due to quality and the ability to add architectural features to the façade.

Commissioner Wirschnik also shared the concerns expressed by Commissioner McLean but due to the fact that the design regulation was not mentioned until after the building was purchased he implied that something should be done to try and accommodate the applicant and suggested possible landscaping around the building.

Commissioner Pfefferkorn stated that the Commission needs to be able to stand by the Land Development Ordinance to be able to make these types of decisions or they would be making decisions on a case by case basis. He implied that possibly the best way to accomplish this would be to address that the LDO needs to be updated to reflect more current trends, needs and standards for residential accessory structures. Pfefferkorn requested for the Zoning Board to be able to table the applicant's request for a week, in order to do research to make a better recommendation for the deviation as well as a possible revision for Section 03.210 of the LDO.

There was no further discussion among Commissioners.

*Commissioners Pfefferkorn and McLean made a motion to table the applicant's request for one week, seven (7) days in order to reach a possible solution to the request and possible revisions to the current LDO. With all Commissioners voting in favor.*

#### **Item 4: Community/Economic Development Director Report.**

Senior apartments are moving quickly and have started framing.

The new primary care facility for Olathe Health Systems is ahead of schedule.

Miami County Detention Center has scheduled their initial final inspections for Sep. 25, 26&27.

McDonalds remodel has begun.

The City Council extended the New Residential Housing Incentive program through December 31<sup>st</sup>, 2017.

**Item 5: Internal reorganization announcement to Commission.**

Jay Wieland announced that the City of Paola will be undergoing some internal reorganization. With Mike Gotfredson leaving the City of Paola, City Manager Jay Wieland will be taking on the responsibilities of the Community Development Department. Randi Shannon will also be moving to Assistant to the City Manager and will be assisting with some of the Community Development duties. The city will be hiring an individual to step into Randi's role in the assistant in the building and codes department.

It was also acknowledged that Clint Meinig has submitted his formal letter of resignation for the Paola Planning Commission and Board of Zoning Appeals.

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