

**MINUTES OF THE REGULAR PLANNING COMMISSION MEETING**

**PLANNING COMMISSION/  
BOARD OF ZONING APPEALS  
November 21, 2006**

**Commissioners Present:** Cowman, McLean, Gage, Rhodes, L. Smith, Wrischnik, Minden

**Others Present:** Justin Givens, Amy Barenklau, Ross VanderHamm, Brian McCauley, Jim Kaup, Dennis Doherty, Dick Allenbrand, Randy & Carol Medlen, Clifford & Melvina Pearce, Tim Smith, Mike Gottschalk, Kerry & Cathy Crawford

**Item 1: Consider the minutes for the October 17, 2006 meeting.**

Chair Cowman called the meeting to order with the first order of business the consideration of the minutes from the October 17, 2006 meeting.

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

**Item 2: Re-Plat Prairie Place Condominiums:** Consider a request for a re-plat to Enable the sale of apartments as condominiums.

Planner Givens presented the staff brief. He announced that Clint Stewart with Taylor Design Group was in attendance. This item was initially slated for the October meeting but due to problems with the preliminary and final plat was removed from the agenda. Staff has been working with Clint Stewart of Taylor Design Group on the plat and feel that it is ready for submittal to the Planning Commission.

Owners David and Barbara Snodgrass have asked that the preliminary/final re-plat be approved in order for them to sale the apartment units as individual condominiums. The re-plat is needed to divide each unit into a separate piece of property with common elements being retained such as the road (Prairie Street) as well as the drives and patios, to be maintained by a home owners association.

The road which has been a point of contention will remain private. If it is ever to become public the individual owners are or will be made aware through deeds and covenants that any costs associated to bringing the road up to standard will be returned to them.

Currently the Paola Building Department is working with the owners and engineering representatives to facilitate the conversion of the units into condominiums. Since the buildings

were originally built as apartment certain code provisions were not required. Now that the owners wish to convert the units, certain fire and life safety provisions such as fire separations and electrical service entrances must be addressed. No individual unit will be allowed to be occupied until these issues are addressed and corrected. On the building layouts an abbreviation LCE exists. This represents the limited common elements that will be maintained by the home owners association.

**Actions:** Review for Accuracy – Per the LDO

The Planning Commission shall approve the final plat if it finds that the following criteria are satisfied:

- A. The final plat substantially conforms to the approved preliminary plat and rule exceptions granted thereto. *Staff feels that the final and preliminary re-plat conform substantially to each other.*
- B. The plat conforms to all applicable requirements of the Paola Land Development Ordinance; subject only to approved rule exceptions. All submission requirements have been satisfied. *Having reviewed the final and preliminary re-plat staff feels that the document does meet all the applicable requirements of the Paola Land Development Ordinance*
- C. All submission requirements have been satisfied. *Staff concurs that all submission requirements have been met.*

Following the approval of the final plat by the Planning Commission, the final plat shall be submitted to the City Council for review of land proposed to be dedicated for public purposes. The City Council may:

- A. Accept or refuse the dedication of land for public purposes.
- B. Defer action for an additional 30 days for the purpose of allowing for modifications to comply with requirements established by the Council.

**Recommendation:** It is Staff's recommendation that the preliminary / final re-plat be approved and submitted to the City Council. The re-plat substantially conforms to the submitted preliminary plat as well as to the requirements of the LDO. All submission requirements of this re-plat have been satisfied as well.

Commissioner Rhodes inquired about the commonality of plumbing, electrical and other lines. Clint Stewart indicated that the Home Owner's Association would be responsible for maintenance and repair of all common areas. Commissioner Rhodes then inquired if the building code issues were still a concern. Clint replied that if the re-plat was approved it could be contingent upon resolution of building code issues and other issues as determined by city staff.

Planner Givens stated that the Certificates of Occupancy could hinge on either the plat being filed and/or the building code issues.

Commissioner Wrischnik inquired if there would be a zoning change required? Planner Givens responded that there would not be a change required.

*Commissioner Rhodes made a motion to approve the re-plat of Prairie Place Apartments with an addendum that includes approval of the Home Owner's Association language and building approval of building code issues by city staff.*

*Commissioner Gage seconded the motion. All Commissioners voted in favor.*

### **3: Public Hearing: Text Amendment to the Paola Land Development Ordinance – S-2 Zoning District.**

*Commissioners Gage and Cowman made a motion to open the Public Hearing with all Commissioners voting in favor.*

Planner Givens presented the staff brief. At the request of area builders and developers the previous Planning Director along with Jim Kaup researched and created a new zoning district, the S-2 District. During several meetings Planning Commissioners and Staff were able to provide comment and guidance to Mr. Kaup on the make-up of the new zoning district with respect to the minimum provisions that will be included in the LDO.

Per our regulations a formal public hearing is to be held to discuss any changes to the LDO, a recommendation is to be made by the Planning Commission and then approved ultimately by the Paola City Council.

**Analysis:** The S-2 District provides a blend from the Suburban and Thoroughfare Districts. Land Use, Minimum Lot Size, Setbacks and other issues addressed by in the LDO. The problem that developers were facing was that the Suburban regulations called for less dense developments than often times were feasible while the Thoroughfare Access Zone allowed for to much density and to much diversity in land use.

The new S-2 district will allow for denser developments while still maintaining the suburban nature of the development. Minimum lot sizes will be 9,500 sq. ft. giving developers more flexibility in creating new housing tracts.

The district is a reflection of several months of meetings and input from members of the Planning Commission, Staff and consultant Jim Kaup.

**Recommendation:** It is Staff's recommendation that the Planning Commission approves the S-2 zoning district and text amendment to the LDO and submits the amendment to the Paola City Council for final approval.

**Actions:** Review for Accuracy – The Planning Commission may;  
Deny the text amendment for approval by the City Council,  
Approve the text amendment as submitted for approval by the City Council,  
Approve the text amendment as revised for approval by the City Council.

There were no questions from those in attendance.

*Commissioners Rhodes and Gage made a motion to close the public hearing with all Commissioners voting in favor.*

Commissioner Rhodes inquired about the process to rezone areas to the new S-2 zoning. Planner Givens indicated that staff had decided to let the developers and property owners request rezoning.

*Commissioners Rhodes and Gage made a motion to approve the text amendments as submitted. All Commissioners voted in favor.*

**Item 6: Recommendation to Paola City Council – 295<sup>th</sup> Street Closure**

Planner Givens presented the staff brief and told the Commissioners that the developer is looking for direction for the developer from the city. The closing of 295<sup>th</sup> Street is a topic of long discussion for this Commission and the City Council. Several factors have been identified as to why closing 295<sup>th</sup> has become a necessity. They are as follows;

- (1) The proximity of the intersection of 295<sup>th</sup> and Hedge Lane to the at-grade railway crossing. As Paola continues to grow northward, this intersection will experience increased traffic volumes. As Hedge Lane will be a major arterial between K68, the new development to the north, and commercial/USD368 to the south; a new ‘underpass’ to eliminate the at-grade rail crossing is an improvement that will be needed. The timing for upgrades to the rail crossing are not known (5yrs – 25yrs), however planning for this eventuality does have merit.
- (2) Proximity of buried high pressure gas main to the intersection.
- (3) Flooding conditions (overtopping of 295<sup>th</sup>) during storm events. This overtopping occurs along the east property line of Rockwood Estates. This is not a new condition however it is a life-safety issue that will become more critical as traffic volumes increase. This high flow also impacts property to the south by creating soggy conditions/ponding water and eroding fairways.

Both the Planning Commission and City Council have addressed these issues in meeting and work sessions and several options were established. They are as follows;

- Option 1: Leave 295<sup>th</sup> open between Old KC Road and Hedge Lane (no closure – road remains unchanged)
- Option 2: Leave 295<sup>th</sup> open between Old KC Road and the last residence to the east (this would close the eastern ½ of 295<sup>th</sup> Street)

Option 3: Leave 295<sup>th</sup> open between Old KC Road and the entrance to Rockwood Estates (this would result in the closure of the majority of 295<sup>th</sup>)

It seems through previous discussion that most people agreed Option 2 would be the most feasible. The question now becomes at what point should the closure occur and what “triggers” need to happen before the city begins the process of closing the road.

**Analysis:** As the Northridge Development approaches a formal policy on the closing of 295<sup>th</sup> should be adopted to ensure logical and sensible development for the city and affected property owners. One question would be how much of Northridge’s through road from Old KC to Hedge Lane should be constructed and opened at once. With the high traffic volume it is apparent that 295<sup>th</sup> has become a well used road for traffic moving east and west on the northern part of town. This is one factor that should be addressed, should all of Northridge’s east/west street be opened as the development begins. If this road is available much of the through traffic would be able to continue traveling east and west while limited maintenance and partial closure of 295<sup>th</sup> could begin. This would also help to alleviate some of the congestion problems at Hedge/295<sup>th</sup> and the Rail Road crossing.

The initial concept of the Northridge Development that Phase I would start on the west close to Old KC Road. This addition has a road that is scheduled to tie into the Rockwood Development. This would help alleviate some of the access concerns for the residents of Rockwood. If a portion of 295<sup>th</sup> is closed east of Rockwood residents would still be able to exit onto 295<sup>th</sup> as well as using the new road in Northridge to travel both east and west.

**Recommendation:** Staff would recommend a formal recommendation from the Planning Commission to the City Council that as the Northridge Development proceeds the main east / west road be constructed as a through road and not in stages. Also, after the completion of Northridge’s east/west road the City begin the process of closing the necessary parts of 295<sup>th</sup>.

**Actions:** Review and Discuss the Closing of 295<sup>th</sup> Street. The Planning Commission may;  
Recommend a formal policy for the City Council on the development of Northridge’s east/west road and the related triggers for closing 295<sup>th</sup> Street;  
Ask staff for more information and guidance as to a formal plan of development and work with property owners and staff to achieve such a goal.

Commissioner Cowman stated he felt there were two decisions to make: 1.) How much of 295<sup>th</sup> Street to close and if it is necessary to close? 2.) If a portion is closed, when does it happen? Cowman then inquired if the city picks up a portion of the cost for the new road.

City Manager VanderHamm explained that when the city requires a new road to meet arterial and/or collector standards, then the city pays for the costs associated with additional requirements above those for a standard residential street. The issue is usually part of the negotiations between the City Council and the developer.

Mike Gottschalk, a resident in Rockwood Estates, voiced concerns about the cost to maintain 295<sup>th</sup> Street, the amount and speeds of traffic on the road and felt that information about cost was necessary to make a decision. He also stated he had been to one of the other meetings and felt

that the street needs immediate help, but it was better to look at ‘virgin’ ground vs. spending money to rehab a current bad road.

Councilman Jack Rowlett, Jr., explained that he believed the current rule of thumb for new roads to be approximately \$100/lineal foot.

Commissioner Gage stated he understood that part of 295<sup>th</sup> Street was supposed to have had curb and gutter installed when Rockwood developed.

Randy Medlen, resident on 295<sup>th</sup> Street, inquired about exits/entrances for existing homes and how a new road would hold up to the additional 900+ vehicle trips from the new development. He said he felt that 295<sup>th</sup> Street could help relieve some of that. He voiced he still has concerns about how this will work and the ability of residents currently living on 295<sup>th</sup> having access to their homes and property, while not having to pay for maintenance or lose part of their land.

Dennis Doherty said he had envisioned the new road going through when the new development began. He also reminded everyone that now is the cheapest time to build the new road, not later. There is not a date or time associated yet with his development, as the final plan and plat still have to be completed and go through the process.

Commissioner Cowman said he felt it would be difficult to close an existing road until there was something to replace it with. He felt the new road would have to be completed before 295<sup>th</sup> Street could be even partially closed. Commissioner Smith stated that maintenance on the road is also a concern. Cowman said there is no easy answer, everyone has different opinion about the best option.

Kerry Crawford, a resident on 295<sup>th</sup> Street, inquired about costs for maintenance and/or upgrades to the road and what it could cost depending on where the road was potentially closed. He then inquired about why it was necessary to have a decision now? City Manager VanderHamm explained that a decision is necessary so the developer and City can plan based on the decision. Mr. Crawford inquired if the city or county had ever thought about buying out the homeowners instead of trying to work around them when making this decision.

Tim Smith, Country Club member, asked about vacating the road and making it private. Ernie Pratt brought up the property owned by the Country Club and stated that they do not want to be landlocked in case the property is ever developed residentially.

Commissioner Minden asked what would happen to 295<sup>th</sup> Street residents if the street were closed and they ever wanted to add a building how the front façade would be determined? He reminded everyone that we have had the issue in the past and it would be a concern.

*Commissioners Rhodes and Minden made a motion that at which time the new road is open and access for property owners to the new road is in, that 295<sup>th</sup> Street be closed from the Crawford’s property East. Then another meeting could be held to determine the status of the rest of the*

*road. Commissioners McLean, Gage, Rhodes, Minden, Wrischnik, Smith voted in favor. Commissioner Cowman opposed. Motion carried.*

Commissioner Cowman explained that he felt the road should be closed at Rockwood's entrance because there was a lot of taxpayer money going to waste, otherwise.

City Manager VanderHamm stated he would like to have another meeting with property owners, Dick Allenbrand, Dennis Doherty, Public Works and any others before the City Council made their decision.

**Item 4: Update: Comprehensive Plan update and review – Jim Kaup**

Planner Givens presented the staff brief. Earlier this year, the Planning Commission and Staff undertook the goal along with consultants Jim Kaup and Wynndee Lee of producing a Comprehensive Plan to help guide the future development and growth of Paola and the Growth Area. Over several meetings the Planning Commission, Staff and Consultants have met with each other and the community to draft a document that would reach the goals set forth. Commissioners and Staff have had many opportunities to make suggestions and revisions on the plan based on what has been presented prior to tonight.

**Analysis:** The document presented tonight reflects the numerous meetings, revisions and input from the Commission, City Staff and our consultants. It is for review hopefully for the final time and any further revisions will be slight and the document will be able to be presented at a Public Hearing in December and ultimately adopted by the City Council in January.

**Recommendation:** It is Staff's recommendation that the Planning Commission accepts the draft either as submitted or as revised and sets a Public Hearing date of Tuesday, December 19<sup>th</sup>, 2006 for formal approval.

**Actions:** Review for Accuracy – The Planning Commission may;  
Recommend further revisions to be presented in draft form at a later date,  
Approve the Comprehensive Plan as submitted for a Public Hearing,  
Approve the Comprehensive Plan as revised for a Public Hearing.

Jim Kaup addressed the Commissioners and told them that the packet they received is still missing the levy information and the executive summary.

The Commissioners gave indication that they felt good about the document and were ready to proceed with the process. Jim explained that there will probably be some changes after the Public Hearing, but hopefully would not require a second public meeting. Once the changes are made it could be approved and then adoption by the City Council to complete the Comprehensive Plan Update.

*Commissioners Rhodes and Cowman made a motion to recommend the draft of the Comprehensive Plan go to Public Hearing at a date set at staff's recommendation. All Commissioners voted in favor.*

**Item 5: Future Land Use Map – Update and review.**

Planner Givens presented the staff brief. Staff and consultants, Jim Kaup and Wynndee Lee met to discuss and map a Future Land Use Map to accompany the Comprehensive Plan.

**Analysis:** Provided is the draft Future Land Use Map that staff and consultants created to accompany the Comprehensive Plan. The map lays out where and what type of growth and land use is reflected in the Comprehensive Plan and within the regulations of the LDO. As the city and community growth area grow, it is important to have an idea as to what type of land use would be most beneficial in a particular area. This is done with respect to current zoning regulations, current growth trends, future growth trends, current infrastructure and future infrastructure. The map reflects the thoughts of what might happen but is not rigid. It is flexible just as the Comprehensive Plan is and should be reviewed periodically to make sure that the growth of the area is acceptable and not detrimental to the future. The map is a guide to help encourage smart growth, but not intended to stymie growth in a particular area and promote a particular land use over another. Several areas were left as Mixed Use areas.

Several particular classifications were made and represent the Future Land Use Map.

Mixed Use Areas – This is land that could develop in a number of ways and could support a number of uses. Primarily, this land is located in the 68 corridor between the round-about and 169, as well as the southern entrance of 169. Once sewer and water are established in these areas they will be able to support various uses from industry to residential. Also, as access points to major transportation routes makes these areas viable for a number of commercial, industrial, manufacturing uses as well as residential areas.

Industrial – the only land that is classified as industrial on this map is currently being used as industrial land. Much of what is in the Mixed Use area could easily be converted or used for industry.

Low Density Residential – this continues the preservation of space by reserving land for larger home sites and preserves the rural feel of the community.

Medium Density Residential – this is land that will most likely be used for our new S-2 zoning district. These areas will have denser housing developments with a variety of home types and styles.

Urban Area – this helps to define the areas that are already built out or will be built out in the near future.

Public / Institutional – This is a new district that will need to eventually be created and referenced in the LDO. This is land that will be reserved by local agencies for the public and the institution that they serve. It protects lands adjacent to these areas ensuring that their use will generally stay the same.

Commercial Use – These areas consist of land that is developed or will be developed for most business, retail or service industries. Commercial Uses could very easily be included in the mixed use areas as well.

Estate/Agriculture – land reserved for large tracts and general agricultural use.

**Recommendation:** As this is the first time the commission has seen the Future Land Use Map and as not to distract from the adoption of the Comprehensive Plan; it is Staff's recommendation that the Commission review the map and make any recommendations as to changes in areas or boundaries, then at a later date schedule a Public Hearing to recommended the Future Land Use Map for adoption by the City Council.

**Actions:** Review, Comment and Make Revisions – the Planning Commission may;  
Request recommendations and revisions to the map made by staff to be addressed at a later commission meeting;  
Accept the Map as submitted and schedule its recommendation for a Public Hearing;  
Accept the Map as revised and schedule its recommendation for a Public Hearing.

Planner Givens explained that this was a collective effort and somewhat of an educated guess. The map indicates areas that are current public/institutional properties. There are some areas that will need additional land for future use as we grow.

Commissioner Gage inquired if there was a national standard for percentage of recreation land suggested for communities.

Jim Kaup responded that he felt that it was around 5 – 8% for communities of this size, including buildings and park/recreation areas. He said it seemed that less than 5% was considered to be 'lacking'.

Commissioner Gage asked if there was a break down that gave recommendations for buildings, land, where parks should be located. He stated it seems there is a constant struggle for buildings and recreation areas. He said it would be interesting and would like to see if it could be incorporated into the draft.

The Commissioners all agreed that it would be nice if the colors were more contrasting for the Public Hearing. Then they discussed the need for two meetings or one for the comprehensive plan and the future land use map.

*Commissioners Rhodes and Cowman made a motion to accept the future land use map as amended and recommend it for public hearing. All Commissioners voted in favor.*

Discussion followed about the date for the public hearing. It was decided that the Commissioners would like to hold the public hearing for the Comprehensive Plan and the future land use map on the same evening, one after another. It was decided that January 18<sup>th</sup> at 6:30 pm would be acceptable.

*Commissioners Rhodes and Cowman made a motion to hold the public hearing on Thursday, January 18, 2007 at 6:30 pm. All Commissioners voted in favor.*

**Item 7: Items from Staff**

**a.) Right-Of-Way Discussion** - Staff has been directed to review the Right of Way requirements for residential streets and the regulations governing these distances established in the LDO. Currently, the LDO requires a 60 foot Right of Way (ROW) on a majority of the residential streets that will be and have been built in the City of Paola and the growth area. As developments have gone in these requirements may seem excessive and have caused several problems with drive approaches and lot sizes.

**Analysis:** All ordinances and regulations should be regularly reviewed to see if the intent of those rules are actually accomplishing the goals that they are created to meet. In this instance we should ask is the required 60 foot ROW the best practice for the areas regulated by the LDO or would an alternative distance, in this case, a 50 foot ROW be more practical or beneficial. A 50 foot ROW is used in many communities and allows for the same streetscapes as a 60 foot ROW but returns more land and useable space to the developer or homeowner. As recently discussed at a Paola Tree Board meeting the minimum space to plant a small tree should be 5 feet of un-used space. Even with the largest of street/pavement widths and required sidewalks a small street tree could still be planted and maintained without promoting damage to the curb or sidewalk using a 50 foot ROW. The attached chart tries to show visually what the difference would be using a 60 foot ROW and the largest street/pavement width required of 30 feet as compared to the same circumstance using a ROW of 50 feet. An additional example shows the smallest street/pavement width of 24 feet using a 60 and 50 foot ROW.

This is merely a discussion matter at this time as staff is seeking input from numerous sources to see if this idea works in practice, if 60 foot ROWs provide some benefit over a 50 foot ROW and would this be something that Paola should address. As with any planning related issue comment by and input from the Planning Commission is extremely important.

**Recommendation:** Staff recommends that the Planning Commission take this matter under advisement and make any necessary comment or provide direction for staff.

**Actions:** Review and Provide comment on for action at a later date.

The Commissioners asked if staff had checked with the utility companies to see if there would be adequate space in the Right-Of-Way if it was decreased.

Planner Givens said staff had been in contact with the Paola Tree Board and have been having discussions about the types of landscaping.

Commissioners Rhodes and Cowman voiced concerns about changes and wanted to have more information before making a decision. All Commissioners voiced concerns about possibility of another Indian Hills.

Planner Givens told the Commissioners he would locate some sample plats before the next meeting to help assist in the discussion.

**b.) Reclass Future Major Collector** - Staff was recently approached by a builder about future developments on what would be the proposed Industrial Drive as it ties into the Indian Hills sub-development and East Street. This piece of road is classified as a Future Major Collector in the LDO. Currently the road is un-platted with only stubs in Indian Hills and south of the Sundance Apartments.

**Analysis:** As we know, sometimes things look better on paper than they do in actuality. It is definitely something that planners know all too well. As platted the Indian Hills sub-division installed 30 foot width streets. As we have learned, with the shallow set-backs and street parking the concept of either of the two Indian Hills streets as Major Collectors is virtually impossible. Due to the increased traffic now from the Baptiste Road construction it is evident that funneling and encouraging traffic through this area should not be advised. The current road width outside of Sundance Apartments II is 26 feet.

Staff is seeking guidance and assistance as to what alternatives and deviations should be made, if any and what classification the un-developed section of Industrial Drive be given.

**Recommendation:** Staff recommends that the Planning Commission take this matter under advisement and make any necessary comment or provide direction for staff.

**Actions:** Review and Provide comment on for action at a later date.

Planner Givens stated he wanted the Commissioners to be aware that it was going to happen. The Commissioners agreed it would be necessary.

#### **Item 8:        Items from Commissioners**

Commissioner Cowman inquired about the Dry Cleaners trailer on Kansas Drive. Staff stated that the new building at Baptiste Commons was getting close to being completed and hopefully by the end of the year the temporary trailer would be removed.

#### **Item 9:        Adjourn**

*Commissioners Minden and Rhodes made a motion to adjourn with all Commissioners voting in favor.*