

## MINUTES OF THE REGULAR PLANNING COMMISSION MEETING

### PLANNING COMMISSION/ BOARD OF ZONING APPEALS

May 15, 2007

**Commissioners Present:** Cowman, Gage, L. Smith, Rhodes

**Others Present:** Justin Givens, Ross VanderHamm, Brian McCauley, Amy Barenklau, Dennis Doherty, Craig Archer, Chad Crandell, and others

**Item 1: Consider minutes from the April 17, 2007 meeting**

Chair Cowman called the meeting to order with the first order of business the consideration of the minutes from the April 17, 2007 meeting.

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

**Item 2: Preliminary & Final Site Plan Approval – Consider approval of a Preliminary and Final Site Plan for Doherty Steel**

Planner Givens presented the staff brief. Dennis Doherty and Engineer Craig Archer were in attendance. Doherty Steel was granted a Conditional Use Permit in April of 1999. This Conditional Use Permit was granted because Doherty Steel was a legal use at the time of the adoption of the LDO and Growth Area expansion. The heavy industrial use would not be allowed to continue without the conditional use. Doherty Steel wants to expand and has submitted a site plan for review. The expansion calls for an increase of 63,532 square feet of new building in addition to the 72,395 square feet of existing structures.

**Analysis:**

Section 3 of Ordinance # 2722 Conditional Use Permit 99CUP1 provides for seven conditions and stipulations for the continued use and future expansion of the property. Conditions 6 and 7 are standard conditions, which are put on all CUPs concerning the discontinuance, revocation, and expiration of the Conditional Use Permit. Conditions 1-5 are specifically applicable to the expansion. Those conditions are as follows.

1. The owner will maintain a 100-foot undeveloped buffer from the north, south, and west boundary lines of the property unless adjoining properties are in the future zoned for industrial purposes. In the event adjoining properties are in the future zoned for industrial purposes, said buffer may be reduced to a 50-foot buffer. No storage, construction or other use may occur in this buffer.

*The site plan shows that the expansion will maintain more than the required 100-foot buffer. The provided buffers will remain open.*

2. Storage of raw or finished materials shall be in areas behind buildings or shall be screened from all street views by a buffer yard meeting a 0.50 opacity standard.

*A recent visual inspection revealed no materials in view from 311<sup>th</sup> Road. This standard shall apply after the expansion is complete*

3. Allowed uses shall comply with federal and state laws governing controlled and regulated substances such as dust, fumes, gas, odor, or smoke.

*Staff is aware of no complaints about the property and will continue to apply this same stipulation after the expansion.*

4. The permitted use may be expanded without limitation as to the size of expansion provided that all land development regulations and size limitations applicable to similar uses at the time of expansion shall apply to the facility.

*If the above stipulation is meant to read, that all Industrial criteria are to be followed when reviewing the site plan the impact of those regulations may be astronomical. The following standards would apply.*

*Parking: Based on LDO Requirements 2.5 stalls per 1000 sq.ft. of building area would be required plus 1 stall per company vehicle. Under this regulation, a minimum of 335 parking stalls would be required without the additional stalls for company vehicles.*

*Landscaping: Per the LDO, 6 plant units are required per acre. With the site encompassing 45 acres, 270 plant units would be required. An additional 19 plant units would be required for the parking area and 14 street trees are required for the 690' of road frontage.*

*Sewer: The LDO requires that Industrial Uses be on public sewer. The property is roughly a mile from a public sewer inlet. A lift station would be required to transport the sewage as well as a crossing under Wea Creek.*

*If the intent of the above stipulation is to ensure that, the expansion is in line with other Industrial Use expansions that have occurred in the past, this may be a precedent case. Staff is unaware of similar expansions on this scale of any use let alone a similar industrial use. Staff does not feel that the intent of this statement was to stifle the expansion but rather encourage growth of the business while protecting adjacent uses. In this situation, no uses have intensified in the area. It remains mostly agricultural with a few houses in the area. The strict applications of the LDO requirements were a concern at the original issuance of the Conditional Use Permit.*

5. The intent of this Conditional Use Permit is to provide for the continuation of an existing business and the opportunity for the owners of that business flexibility to change the business use as necessary. No new business in separate ownership may co-locate on the

property regulated by this Conditional Use Permit. This Conditional Use Permit is not to be construed to create a separate Industrial Zoning district.

*In this case, the owner has found it necessary to expand to continue his business and be more responsive to his clients. The additional area will allow new process to be completed on site. Doherty Steel is the only business on the property and this shall continue to apply.*

**Issue:**

Does the Commission wish to recommend the Site Plan for approval to the City Council?

**Actions:**

Recommend the Site Plan to the City Council for approval  
Deny the Site Plan  
Table the Matter for further study

**Recommendation:**

It is staffs recommendation that the Planning Commission approve the site plan with the following additions that are in the spirit of the regulations in the LDO.

1. The existing gravel drive is paved to the required minimum building setback line. Since 311<sup>th</sup> Road is paved this would be required of any new development in any use district.
2. The required street trees are installed. Again, this would be required of any new development.
3. The required public sewer be waived, until such time that it is more feasible or a public sewer connection be within in 400 feet of the property.
4. A reasonable compromise be made with the property owner to the required Landscaping and Parking requirements with respect to numbers and locations.

Commissioners Cowman and Gage asked Mr. Doherty if trucks entering and leaving his business would tear up any hard surface drives. Mr. Doherty indicated that the trucks normally are loaded heavy and any asphalt or concrete would be destroyed in a short period of time.

Mr. Doherty explained that the reason for the expansion was mostly to streamline his machining process and keep machines and material from being stored outside.

Commissioners Rhodes and Cowman stated they would not be in favor of requiring the drive to be hard surfaced or requiring additional parking. They felt that it would be something else that would have to be torn out if the business every relocated, as well as the drive would not withstand the heavy load traffic.

*Commissioners Cowman and Gage made a motion to approve the preliminary and final site plan, without conditions, for Doherty Steel's expansion. All Commissioners voted in favor.*

**Item 3: Concept Plat Review** – Review of concept plan and associated issues for a new development east of Lake Miola.

Planner Givens introduced Chad Crandell and then presented the staff brief. Chad Crandell is presenting a concept plat for a future development south of Lakeview and on East Lake Miola Road. The property the proposed development is on has been the target of several interested parties. Mr. Crandell believes that the property is developable but several problems would need to be resolved prior to any development plan or plat being pursued.

**Analysis:**

The concept as shown has 48 lots that exceed the required 12,000 sq. ft. minimum lot sizes for a Suburban Zone. In addition, each lot exceeds the required 90 ft. of lot frontage. The lots themselves are in line with those in the Lakeview South and Burr Oaks additions. It is important to remember that this is a concept plat. A basic layout is being presented. It does not take into account open space requirements as well as other topographical details, which may render some of the land un-developable.

There are two key issues that Mr. Crandell has asked be addressed before the preliminary work on the development is begun. They are as follows.

**Sewer:**

Establishing a sewer system that can service the area has long been a problem for potential developers. Mr. Crandell believes that he has a possible solution to the sanitary sewer issues that have hindered development for this piece of property. A 3” pressured sewer main is used to service much of Lakeview South. The main runs along East Lake Miola Road across the dam to a man hole located on Hedge Lane. Mr. Crandell feels that by taking a majority of Lakeview South off this line and in turn feeding the sewer system to Burr Oaks the resulting capacity would be used to service the new development. Preliminary study suggests that this realignment of the sewer system may be feasible.

Mr. Crandell realizes that if a further detailed study were to show that this realignment will work and the 3’ main is sufficient to service his development the he or any other developer would be responsible financially for those changes in the existing sanitary system as well as any other required infrastructure to establish service in the new area. The City would be in way financially responsible for those changes to the existing system.

Included is a crude map of the sewer system currently in place in the area with flow lines. A dotted line represents the new connection that would be required by the developer.

A secondary problem is the density at which the development can occur. The area is zoned Suburban which would allow for 90’ wide lots that maintained 12,000 sq. ft. of lot space. The areas to the north are much larger than the required sizes for a Suburban District. At this point in Paola’s development there has been much debate about the need for moderately priced housing and if the stock of luxury housing is too high. Ultimately, the density of this development could hinge on the detailed study of the sewer system. The assumption is that Mr. Crandell’s plan will

be feasible. At that time, the study could indicate that more houses may be built than the concept plat shows.

**Issue:**

Would the Planning Commission be supportive of the development if the detailed sewer study shows that the realignment will work for both the existing homes in the area and the possible new development?

Would the Planning Commission be supportive of a higher density of development if the sewer study indicates that it is possible, or would it recommend a similar density as that of existing developments in the area?

**Actions:**

At this time, Mr. Crandell is only seeking the public support of the Planning Commission to determine if a detailed sewer study of the area is a worthwhile venture.

**Recommendation:**

It is staff's recommendation that the Planning Commission support the concept plat, with the understanding that any changes in existing infrastructure if deemed feasible be the sole responsibility of the developer.

Commissioner Cowman asked if Mr. Crandell would develop to the suburban zoning standards, to that density, if the sewer study shows it would support the development. Chad explained that he did not intend to develop to that density, he had intentions to keep the development similar to that of Lakeview South and Burr Oaks.

Commissioner Gage inquired is the 3" main would be enough to support the new housing. Chad indicated that there was an 8" main in Burr Oaks that would support the flow of those that would be re-routed and there is an existing 10" main in Industrial Park.

Planner Givens stated that if Mr. Crandell follows through with the study and finds that it is a solution, he understands that he will bear the financial cost to change the infrastructure.

The Commissioners clarified that he would be able to develop to the standards for suburban zoning, but that developers in the past have chose to have larger lots and they all felt that it would be a benefit to develop similarly.

Planner Givens reiterated that future development hinges on the sewer study and other engineering studies.

Commissioner Cowman stated that there are challenges to the property including some capped off oil wells, which Mr. Crandell stated he was aware of and planned to include those in green space requirements.

All Commissioners voiced that there were not uncomfortable with the concept plan's density as it was within LDO requirements and that they were supportive of the plan.

**Item 4: Public Hearing** – Consider a variance in the required Right-Of-Way distance from 60' to 50' for the Hidden Meadows subdivision

*Commissioners Rhodes and Gage made a motion to open the public hearing. All Commissioners voted in favor.*

Planner Givens presented the staff brief. As part of the Hidden Meadows sub-development, a reduction in the required 60' Right-of-Way is being sought. The reduction in Right-of-Way is necessitated from existing conditions. The access from Hospital Drive is a 50' strip of land owned by the City. Also, the Right-of-Way in the Indian Hills Sub-division is only 50'. This variance would allow Hidden Meadows to create their plat around the existing conditions.

**Analysis:**

The public hearing was published properly in the official newspaper of the City. It was discovered that registered notices to those landowners within 200 feet of the subject property were not notified in the required time. At this time, the developers have requested that the public hearing be continued until the June 19, 2007 meeting at which time all parties of interest will have had the opportunity to receive notice and respond as provided in the Land Development Ordinance.

**Issue:**

Does the Planning Commission wish to continue the Public Hearing to the June 19<sup>th</sup> meeting?

**Actions:**

Continue the Public Hearing until the June 19<sup>th</sup> meeting

**Recommendation:**

It is staffs recommendation that the Planning Commission continue the Public Hearing until June 19<sup>th</sup>.

*Commissioners Rhodes and Gage made a motion to table the hearing until the June 19<sup>th</sup> meeting. All Commissioners voted in favor.*

**Item 5: Items from Staff**

**Temporary CT Scanner at Miami County Medical Center**

Planner Givens presented the staff brief. Miami County Medical Center is updating their CT Machine as well as some of the infrastructure used to support the machine. In order to

accommodate the upgrades and continue to provide the quality care that Miami County residents have come to expect from the hospital the Center needs to place a temporary imagining center on its property.

**Analysis:**

The Center has three possible locations that it can place the machine. Two of those locations are in the Ambulance service drive that gives immediate access to the Emergency Room. Sites #1 and #2 are both just short of the canopy for the Emergency Room entrance. Site #3 is located on the grass pad further away from the Emergency Room entrance. This site would require new concrete to support the weight of the trailer. Either this new concrete would need to be removed and the area replanted or the concrete to remain in place once the trailer is no longer needed. I think Hospital Staff and Miami County Emergency Personnel would be better suited to determine the best location for the Mobile CT to ensure that it would not interfere with emergency service.

Hospital Staff feels that the upgrades should be complete in two months and at that time; the temporary CT scanner would be removed from the property. Seeing as this is a necessity for the continued operation of the Medical Center and care of those in the area, it is Staff's position that this temporary trailer be approved for a period of two months in one of the three possible sites. In the past, the Planning Commission has approved temporary structures similar to this, such as the trailer for the Dry Cleaners on Baptiste. Also, one could argue that this structure will be no different than a construction trailer or mobile contractors office, which is an allowed temporary use in all districts. The only distinction being that the Mobile CT Scanner is eminently more important to the health, welfare, and safety to the community.

**Issue:**

Does the Planning Commission wish to approve the temporary Mobile CT Scanner for the Miami County Medical Center?

**Actions:**

Approve Miami County Medical Center's Mobile CT Scanner

For a two month period

With out condition

With additional conditions

Not Allow the Mobile CT Scanner

Table the matter for further discussion

**Recommendation:**

It is staffs recommendation that the Mobile CT Scanner be approved for the Miami County Medical Center for a period of two months at which time if additional time is needed the Medical Center may request an extension.

The Commissioners all stated that it should be convenient for patients, as well as emergency personnel. Planner Givens told the Commissioners he had recommended that MCMC contact fire and emergency personnel for their recommendation on placement of the trailer.

*Commissioners Cowman and Rhodes made a motion to grant the temporary use of the CT scanner trailer for two (2) months at the location of choice, pending discussion with Emergency Medical Service and Fire personnel. All Commissioners voted in favor.*

**Item 6:        Items from Commissioners**

Commissioner Cowman stated he would not be in attendance at the June meeting.

**Item 7:        Adjourn**

*Commissioners Gage and Rhodes made a motion to adjourn the meeting with all Commissioners voting in favor.*