

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING

**PLANNING COMMISSION/
BOARD OF ZONING APPEALS
January 20, 2009**

Commissioners Present: Cowman, McLean, L. Smith, King, Wrischnik, Bonner
Commissioners Absent: Gage

Others Present: Amy Barenklau, Jay Wieland, Brian McCauley, Cara Hendricks, and others

Item 1: Consider minutes from the December 16, 2008 meeting

Chair Cowman called the meeting to order with the first order of business the consideration of the minutes from the December 16, 2008 meeting.

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

Item 2: 09-PLAT-01 Preliminary Plat, Paola Commons (Jerry White): Consider an application from Taylor Design Group, P.A. for Jerry White, Grubb & Ellis for a preliminary plat at the southeast corner of the Baptiste Drive/US 169 interchange.

Amy Barenklau presented the staff brief. Development of 'Paola Commons' is proposed for 58.81 acres of property located in the southeast corner of the Baptiste Drive and 169 Highway interchange. The preliminary plat shows a total of four (4) lots are being platted.

The parcel is currently zoned Business Park (BP), but a rezoning to Thoroughfare Access (TA) is pending. Business Park zoning is intended to attract business and industry, while TA zoning allows a wide variety of land uses such as retail, office, services and others. Based on current zoning, commercial retail may be allowed, under specific conditions, as a limited use.

Minimum lot size in Business Park zoning for the 'exterior ring' varies from 1 to 2 acres, depending on use. It may become apparent during individual lot development that the lots do not meet lot minimum requirements without a boundary line adjustment, lot split or re-platting of the property. Building setbacks and lot widths in the BP zoning district are also larger than those required in the Thoroughfare Access (TA) zoning district.

It should be clearly noted that the preliminary plat as presented may not meet the requirements of the current land use ordinance unless the property is rezoned to Thoroughfare Access.

STREETS AND SIDEWALKS:

Access to the development, at least during the first phase, will be from Baptiste Drive. Baptiste Drive is an improved street with curb & gutter and the required of right-of-way. Staff will be working with the developer and his engineer to keep access on Baptiste Drive to a minimum and to ensure that ingress/egress for this development is adequate through all phases.

Table 11.130 indicates that special standards for access spacing exist along Baptiste Drive and the developer is to work with public works. Additionally, Section 11.233 of the LDO allows for exceptions on access spacing standards when “conditions arise in which the standards do not fit the context of the topography, land ownership or existing conditions.” Due to existing conditions, and the location of the property on Baptiste Drive, the developer will continue to work with public works throughout the project.

Sidewalks are not shown on the preliminary plat. Section 11.152 of the LDO states “sidewalks shall be installed on both sides of all arterial, collector, and commercial streets and shall be required on one side of all residential streets.” A separate sidewalk plan must be provided with final plat.

LOT STANDARDS:

Parcel sizes in the proposed development range from 1.16 to 54.34 acres. All uses allowed in the TA district, except for manufactured home park (with a 15 acre minimum), planned (4 acre minimum) and institutional residential (2 acre minimum) could be developed on Lots 1-3. All uses allowed in the TA district could be developed on Lot 4.

Specific lot standards, such as setbacks, density, and open space are dependent on the type of use for each parcel and will be reviewed in the development plan process. The general requirement for the street yard setbacks in the TA district is 25’ and staff has asked that this be designated on the final plat.

As previously noted, requirements in the BP zoning district differ from those in TA zoning.

QUALITY AND MONTONY:

This area falls within our city entrance standards and as such, all structures are subject to a design review by the Planning Commission.

PARKING:

Parking requirements are specific to the use intended for each lot in the development. The requirements for individual parcels will be determined and verified during development plan and site plan approvals for each lot.

LANDSCAPING:

A landscaping plan has not been provided at the preliminary plat stage. Landscaping required of the developer includes:

The developer must provide 1 plant unit per 100 linear feet of street frontage in the development and possibly a bufferyard between the development and U.S. 169. Other landscaping requirements will also be determined in the development plan process.

OPEN SPACE:

The open space requirement for the proposed development in the TA zoning district for retail, office or ‘all other’ uses is 20%. There are requirements for individual parcels which will be determined and verified during the development plan and site plan approval.

The open space requirements for the current BP zoning are 25%.

RECOMMENDATION:

There are some changes that should be made to the preliminary plat prior to approval and some that will need to be made prior to submitting the final plat.

Due to the ‘pending’ status of the rezoning request, staff recommends at this time that approval of the preliminary plat be tabled, until a decision by the Miami County Board of County Commissioners and the Paola City Council has been rendered.

Staff informed the commissioners that Miami County planning staff will have the rezoning request on either the January 28th or February 3rd agenda for the Miami County Commission. If they approve it, the Paola City Council will consider it at their February 10, 2009 meeting. There are two parcels in the proposed plat that the applicant has petitioned the city to annex into city limits.

With all of the proposed changes to the property, staff stated they felt it would be cleaner to have decisions made on all changes prior to approving the preliminary plat. Additionally, all zoning requirements may not be met under current zoning as submitted.

Commissioners Cowman and Bonner made a motion to table the decision on the Paola Commons preliminary plat until the February meeting. All Commissioners voted in favor.

Item 3: Staff Items

Chair Cowman asked City Manager Wieland to address the commissioners. Manager Wieland thanked the commissioners for allowing him to speak and handed them a press release announcing the hiring of Michael Gotfredson as the new city planner.

Amy Barenklau presented the staff brief to the commissioners.

- 1) Kodiak nuisance/zoning violations:** Staff has been dealing with the properties owned by this property owner on several different issues. Staff has begun drafting the letter to determine exactly what uses take place at the property on Old Kansas City Road. Once that is established, a review of uses (allowed and not) will be made and a letter sent

explaining that when the growth area was established and LDO adopted, somehow this slipped through the CUP process. The city will initiate the CUP and attempt to get a handle on this use through that process. *The owner of the business passed away earlier this month, staff has held off on sending letter due to circumstances.* It should be noted that staff has seen family members ‘showing’ vehicles and items to individuals who may be purchasing some of the items. Staff has had contact with friends of the owner and there may be plans for an auction. Staff will monitor the situation and send a letter.

- 2) **Illegal signs - ongoing:** When staff is out of the office, staff is visiting with business owners in regards to flashing signs and other illegal signs. As necessary, letters are sent as reminders. Staff is aware of several home occupation signs that will be receiving letters in regards to size and location of signage and asking them to meet current sign standards. Staff is also making a list of off-site advertising signs and those businesses will be notified of regulations and asked to remove them.
- 3) **Expired Conditional Use Permits:** Staff has been working on the list of expired CUPs and as time allows will continue to work on list to be presented to you. This is taking longer than anticipated as staff reviews the list of CUPs and researches files for expiration dates. A preliminary list is included with this brief for your information. There is still much research and follow through to be done before any action.
- 4) **Concept Plat:** The construction plans for ‘Paola Commons’ have been reviewed and review notes have been given to the engineering firm. The engineer contacted staff last week and indicated they will be submitting their revised construction plans by the beginning of this week.
- 5) **Lot next to Arby’s:** Site preparation has been completed. There have been no additional plans submitted at this time.
- 6) **Growth Area tract splits:** Staff is researching requirements on lot splits for tracts in the Estate zoning district for a local realtor. These are not large tracts, but may be split for sale or development.
- 7) **Potential retail / lot split:** Staff received a letter requesting additional information from the Family Center owner, Bill Mills. Staff is working with the fire plan reviewer to determine if there is any possibility the lot could be split and sold and still meet requirements for the existing business.
- 8) **Weather station update:** Installation of the weather station and the fence has been completed.
- 9) **Paola Girls Softball Assn:** This has been an ongoing project for both staff and the PGSA. They continue to discuss options and have been in touch with staff in regards to

requirements. Staff has spoken with their engineer and he is to provide a plot plan so that the exact floodplain zone can be determined before further requirements are determined.

- 10) **Zoning violations:** After several discussions with the owner of the horses that appear to be in violation of current LDO requirements, staff has is better informed about the situation. 1.) The owner states that they have had the horses for an extended period of time. 2.) They were not aware of any regulations on farm animals/pets.

Staff has sent a letter to the owner requesting additional information, specifically the length of time the horses and other animals have been owned. Staff feels that if they have sufficient evidence that the animals were owned prior to adoption of the LDO, there is a viable reason to work with the property owner. If in fact the animals were owned prior to the LDO, staff feels they should be looked at as a non-conforming, but legal use. It may be necessary to reduce the number of animals, or find ways to make the property more 'attractive' to nearby property owners, however.

If the owners are not able to produce evidence of having owned the animals for an extended period of time, staff has provided them with information on the variance process. Staff will keep you informed.

- 11) **Lot Split:** Staff determined that the lot split in the older neighborhood might be feasible if all current requirements, such as setbacks, could be met. The realtor was informed to provide a plot plan so that current requirements could be met. There has been no further contact from the realtor.
- 12) **Consultations:** Staff continues to work with Saetz Manufacturing in regards to moving their businesses to the west side of town near the former Co-Op buildings. Plans for a remodel to a local church have been received; a site plan will be submitted to staff for approval as they will need additional parking for the added occupancy. Additionally, staff has held consultation meetings with one individual this past month. 1.) Andy O'Hanlon – purchased buildings in the 800 block of West Wea Street and is planning to store restaurant equipment in the buildings.
- 13) **Re-Zoning Update:** Staff has requested Miami County Planning Staff to contact them in regards to what is needed to present this request to the Board of County Commissioners. After the holidays, staff was informed that they needed a letter. A letter has been provided to the county staff and it will be added to the agenda. Staff will keep you informed of this item.
- 14) **Paola Crossing:** Staff is working to get the landscaping and fence requirements completed by the builder/property owner. Staff has been made aware that there are some financial issues and this may be an uphill battle, but staff will continue to work to get the outstanding issues resolved in a timely manner.

- 15) Other items:** 1) Vickie Vetter-Scruggs – staff is working with her to get ADA access to the rear portion of the building for her retail business. 2) Lakemary office building – staff continues to work with the owners/builder to determine landscaping requirements. (The Paola Crossing fence is an item that has made this process more time consuming and difficult.) 3) Staff continues to receive a large number of zoning inquiries, partially due to the properties in foreclosure and partially due to re-financing opportunities. 4) Staff is working with a potential buyer of 31450 Old Kansas City Road, which is currently a body shop, in regards to outstanding items required when the variance was approved.

Commissioners Bonner inquired about establishing standards for CUP renewals going forward. Staff and the commissioners discussed past and current standards.

Item 4: Items from Commissioners

The Commissioners had no items.

Item 5: Adjournment

Commissioners Cowman and McLean made a motion to adjourn with all Commissioners voting in favor.

The Commissioners adjourned to a private tour of the new Paola Justice Center.