

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING

**PLANNING COMMISSION/
BOARD OF ZONING APPEALS**

April 21, 2009

Commissioners Present: Cowman, McLean, Gage, L. Smith, Bonner

Commissioners Absent: Wrischnik, King

Others Present: Mike Gotfredson, Amy Barenklau, Brian McCauley, Bonnie Meeks, Keith Meeks

Item 1: Consider minutes from the March 17, 2009 meeting

Chair Cowman called the meeting to order. The first order of business was the consideration of the minutes from the March 17, 2009 meeting.

Commissioners Gage and McLean made a motion to approve the minutes as submitted. Commissioners Cowman and Smith abstained; other commissioners voted in favor.

Item 2: 09-CUP-02 - Consideration and vote on a renewal of a Conditional Use Permit for One Stop Auto Shop at 102 South Hospital Drive, Keith & Bonnie Meeks, applicant.

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

Planner Gotfredson presented the staff brief. He explained that the applicant desires to renew their Conditional Use Permit at 102 South Hospital Drive.

One of the conditions for the Conditional Use Permit granted in 2005 was a condition to review the permit in three years to ensure compliance. Mr. Gotfredson said that in reviewing the conditions with the applicant that some items remained from past permits. It was noted that a cedar tree had been removed previously yet it still remained in conditions for the use. Mr. Gotfredson stated it appeared in the past that parking had been one of the items of concern. After meeting with the applicants on site, it appears that the additional parking on the south side of the property has resolved the parking concern.

Mr. Gotfredson said that the applicant has shown satisfactory compliance with the conditions and felt there is no reason to place additional renewal conditions on this property. He stated he felt confident in the department's ability to monitor the business to ensure compliance. Mr. Gotfredson's findings were the application is consistent with the conditions in Ordinance No.

2897, consistent with Section 21.220 of the LDO and there is no detriment to health, safety or general welfare of the community.

Mr. Gotfredson recommended approval of the conditional use permit with the noted conditions.

There were no additional comments from those in attendance.

Commissioners Cowman and Bonner made a motion to close the public hearing. All Commissioners voted in favor.

Commissioner Gage made a motion to recommend approval of the renewal of the Conditional Use Permit for One Stop Auto at 102 South Hospital Drive with the following conditions:

- 1. The hours of operation shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday.*
- 2. All customers and employee parking shall be located in the off-street parking areas.*
- 3. Any additional parking shall be screened from all residential and institutional uses within a 6' fence.*
- 4. No overnight parking, except for two after-hours drop-off spaces and two spaces for display of for-sale automobiles, shall be allowed (in the parking spaces along Hospital Drive).*
- 5. The setbacks of the existing structure at the time of this CUP are considered lawful.*
- 6. There shall be no additional expansions of the building or parking areas.*
- 7. Parking shall not be allowed in the area 15' south of Wea Street and 15' east of Hospital Drive.*
- 8. All work shall be completed within an enclosed structure. No exterior storage is allowed.*
- 9. The height of mature landscaping contained within the sight triangle (defined in Section 11.260 of the LDO) shall be limited to 12".*
- 10. The conditional use permit shall be limited to heavy auto service and related retail. In addition to auto service, a maximum of two (2) for-sale vehicles will be permitted on this property at any one time. After established business hours, for-sale vehicles shall be parked a minimum of 80' south of the centerline of Wea Street. The conditional use permit shall allow no other use.*
- 11. 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 LDO. 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.*

Commissioner Smith seconded the motion, with all Commissioners voting in favor.

Item 3: 09-CP-01 - Discussion on the annual review of the Comprehensive Plan

Planner Gotfredson stated that the annual review of the Comprehensive Plan is required by state law. Given the size of the document it would be difficult to tackle in one meeting. Since the plan was recently adopted, this review is mostly devoted to updating information and becoming familiar with the principles of the Plan. He asked for feedback on specific changes, additions, deletions that the commissioners felt they would like addressed during this review.

Commissioner Smith indicated that since the adoption of the Plan, things have slowed down and there was a possibility that some things in the Plan may not have happened as quickly as originally thought.

Chair Cowman indicated that he would need to review the Plan again and asked if all commissioners could accomplish this prior to next month's meeting.

Mr. Gotfredson indicated that he would plan to have another CD for the Commissioners that would show recommended revisions, so they could be seen at a glance. He encouraged commissioners to contact him with any feedback.

Item 4: Planning Commission Training

Planner Gotfredson presented an overview of administrative decisions, legislative decisions and quasi-judicial as a reminder of the role of planning commissioners. He also submitted an overview of issues that will help guide them during public meetings. The information provided was meant to be a review for the seasoned members and an overview for those new to the commission.

Mr. Gotfredson stated it was his plan to provide brief periodic training throughout the year to assist the commissioners in performing their job. He asked commissioners to pass along any specific requests to staff and he would work to provide training on those items.

Item 5: City Planner Report

Planner Gotfredson gave an update on expired CUPs and stated that he plans to present these over the next several meetings. He then thanked the commissioners for making time to attend the special meeting on May 5th for the public hearing for the Fire Department.

Mr. Gotfredson stated that one of the tasks assigned to him was to update the LDO. He stated that he plans to address several small issues that have arisen since his arrival, but he would like to receive feedback from the commissioners before a more comprehensive update. He recommended considering changing the code from performance based zoning to a more traditional style of zoning. He asked for any feedback the commissioners might have in regards to this task.

Commissioner Bonner asked for an explanation in the differences of performance based and traditional zoning. Mr. Gotfredson explained that traditional zoning is less cumbersome and more straightforward.

Commissioner Cowman stated he was not involved in the creation of the current LDO, but his understanding was that when it was developed, staff was not sure how Paola would develop so they utilized this zoning to allow more uses in larger areas instead of limited number of uses in smaller areas.

Commissioner Smith asked about advantages of traditional zoning and Mr. Gotfredson explained that it is simpler. He stated he would be willing to submit some examples to see if that is the direction the commission would like staff to pursue. He stated that performance based zoning is cumbersome for developers and that with traditional zoning it might be easier and more flexibility for developers and citizens.

Commissioner Bonner inquired if the City Council would need to approve such a drastic update. Planner Gotfredson indicated that they would have input. He stated that he would like to approach a comprehensive update by selecting several individuals from both bodies to work through the changes at some work study sessions. This would help ensure that the Council was on board with any decisions the planning commission makes in updating the LDO.

All Commissioners indicated that the current LDO is difficult to read and understand, as well as finding an answer. They all indicated that an easier development ordinance would be beneficial to all.

Item 6: Items from Commissioners

Commissioner Smith inquired about fees associated with variances. Staff indicated that the application fee is \$200, with additional fees for title search, publication and certified letters averaging \$300 for applicants. Staff indicated that applicants are told that total costs associated with any public hearings typically range from \$500 to \$600. Commissioners were surprised at the costs for those applications. Mr. Gotfredson explained that there are some things that could be done to reduce those costs with staff doing some items and a change in the way notices are sent. He indicated he would look at the City requirements and State requirements.

Commissioner Smith stated that he felt that some of the sign regulations appear to be hard to meet with older buildings.

Item 7: Adjournment

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