

MINUTES OF THE PLANNING COMMISSION MEETING

**PLANNING COMMISSION/
BOARD OF ZONING APPEALS
November 16, 2010**

Commissioners Present: Cowman, Gage, Smith, Wrischnik, Peterson

Commissioners Absent: McLean, Bonner

Others Present: Mike Gotfredson, Amy Barenklau, Brian McCauley, Cathy Stallbaumer, Delores Herrs, Denise Reynolds, Dick Allenbrand, Mike Giager, Jonathan Goff, Sam Hatch

Item 1: Pledge of Allegiance

Item 2: Consider minutes from the October 19, 2010 meeting

Chair Cowman called the meeting to order. The first order of business was the consideration of the minutes from the October 19, 2010 meeting.

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

Item 3: Public Hearing: Consideration and vote on a rezone for Chandler and Floyds Addition from Suburban to Neighborhood Conservation, City of Paola, applicant.

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

Planner Gotfredson presented the staff brief and gave an overview of the request and zoning history of the property. A history of similar zoned properties, Heatherwood and Country Club, was also provided. Mr. Gotfredson clarified changes that rezoning would have on any future lot splits.

Planner Gotfredson's findings are that the application is consistent with Section 21.211 of the LDO and that the application will not be detrimental to the health, safety or general welfare of the community.

Mr. Gotfredon recommends that the Planning Commission determine whether or not the proposed zone change is consistent with the standards set forth in Section 21.211, Standards for

Zoning Map Amendment, in the LDO. If so, his findings could be used as a basis for such a decision.

Planner Gotfredson explained that letters had been sent to all property owners of record and that he had received a letter from resident Stuart Ross, who was unable to attend the hearing. He provided a copy of the letter for Commissioner's to review.

Cathy Stallbaumer, 1210 Main Street, stated that one of the vacant lots that could potentially be developed adjoined her property. She expressed concern that any changes made would directly impact her and her property. Her main concerns were ensuring the look and feel of the neighborhood did not change, concern about changes being detrimental to current owners and concern that the flexibility of the proposed zoning would not be good for property owners. Ms. Stallbaumer stated that she felt any new homes should be held to the same standard as the existing homes so as not to undo the continuity of the neighborhood.

Jonathan Goff, 1212 Main Street, stated he feels that smaller lots may mean smaller houses and the neighborhood would lose the continuity it currently senses. He stated he did not see any benefit to current property owners.

The letter from Stuart Ross, 1106 Main Street, outlined his concerns with the proposed zoning. Areas of major concern were how the changes would benefit the current property owners in regards to many different issues. His letter indicated his desire to preserve the neighborhood's integrity.

Commissioner Cowman inquired about changes in setbacks and size of accessory structures with the proposed zoning. Planner Gotfredson explained that that size of accessory structures and setbacks are determined by lot size, so there would be no change for those if the rezoning was approved. Commissioner Cowman inquired about changes in setbacks for decks and Mr. Gotfredson stated that would not change.

Planner Gotfredson explained that most existing homes do not meet current requirements for side setbacks. If property owners renovate or if their house was substantially damaged, homeowners would have to meet current requirements. Current requirements would not allow them to build homes back where they are currently located. There is an allowance in the LDO to work with setbacks in existing neighborhoods, but they may not end up exactly where they are currently located.

Denise Reynolds, daughter of Delores Herrs, informed Commissioners that when the property at 1204 Main Street was developed they were informed that part of the property could not be developed due to what was under the ground. She explained that might be something property owners need to research prior to any potential lot splits.

The Commissioners inquired about the possibility of lot splits with current zoning and with the proposed zoning. Planner Gotfredson stated that currently there is one lot that could be divided,

but with the proposed zoning there were two other lots that could be split and developed in addition to the lot that currently could be developed.

Commissioner Wrischnik stated that it appeared that when most of the homes were built they adhered to the same setback requirements as the proposed zoning would require, 25 feet from property line.

Mr. Goff and Ms. Stallbaumer inquired if there had been recent requests to divide or develop property along Main Street. Mr. Gotfredson stated that there had been an inquiry as recent as the summer.

Commissioner Gage inquired if there would be any negative impact on other properties within the City that were zoned NC if the proposal was denied. Planner Gotfredson stated there would not be any negative impacts on other properties. Commissioner Peterson stated that he felt there could be negative impacts to the homeowners on Main Street if there were a disaster and they had to comply with requirements as zoned currently.

Several homeowners stated they felt that if the property was rezoned there could be a significant change to their neighborhood.

There were no additional comments from those in attendance.

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

Commissioners Gage and Smith made a motion to recommend denial of the rezoning of chandler and Floyd's Addition. All Commissioners voted in favor.

Item 4: Consideration and vote on a preliminary plat for Lakeview Country Estates, Phil Messer, applicant.

Planner Gotfredson stated that Mike Giager and Dick Allenbrand were in attendance to answer any questions. He explained that the proposed development is a mix of single family detached and single family attached homes with a pond and trails. Mr. Gotfredson presented the staff brief and clarified a couple of items for Commissioners. He explained that this property is not currently in the City limits, but it is anticipated that the property will be annexed when final platting occurs.

Mr. Gotfredson clarified that there is a requirement to provide two entrance points, but due to other existing access points and the grade of the property a second access point is problematic. Staff has been working with the applicant to discuss the possibility of having three lanes at the entrance; one entrance lane and two turning lanes. A second emergency access must be provided somewhere else.

Mr. Gotfredson's findings are that the application is consistent with Section 21.620 of the LDO and that the application will not be detrimental to the health, safety or general welfare of the community.

Planner Gotfredson's recommends that the preliminary plat be approved with the following conditions:

1. Either landscaping be installed in cul-de-sacs or LDO be amended to remove such requirement.
2. "Provide storm water drainage calculations with final plat submittal.
3. Specify ownership and maintenance plan for open space.
4. Provide access easement from property owner for 2nd emergency access point.
5. Subject property to be annexed at time of final platting.
6. Provide phasing plan for development of lots and open space.

Commissioner Gage inquired if green space requirements were met. Planner Gotfredson confirmed that the total percent required for the project has been met.

Commissioners Wrischnik and Gage inquired about sewer and water services for the proposed development. Mr. Dick Allenbrand explained the location of water and sewer lines and indicated that there is service for the sewer. He stated that there are some issues with the existing water lines, but the property owner is aware and has agreed to move the one that crosses the property, which will be very costly.

Commissioner Wrischnik inquired if requirements for ingress and egress have been met. Planner Gotfredson stated that staff is working with property owner to determine that those have been met.

Commissioners Gage and Smith made a motion to recommend approval of the preliminary plat for Lakeview Country Estates with the conditions as noted. All Commissioners voted in favor.

Item 5: City Planner Report and Items from Commissioners.

Planner Gotfredson stated that 151 permits were issued for the third quarter, which was comparable to the total number of permits issued for the entire first half of 2010. He then told the Commissioners that the City Council had approved the Conditional Use permit for 308 South Silver at their November 9, 2010 meeting.

Item 6: Adjournment.

Commissioners Cowman and Smith made a motion to adjourn the meeting. All Commissioners voted in favor.

Meeting was adjourned at 6:08 pm.