

**MINUTES OF THE REGULAR PLANNING COMMISSION MEETING**

**PLANNING COMMISSION/  
BOARD OF ZONING APPEALS  
December 16, 2008**

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

**Others Present:** Amy Barenklau, Jay Wieland, Brian McCauley, Gary Keller, Paul Staats, Carl & Mildred Haley, Jean & Merle Kaiser, Kenneth Kaiser, Elizabeth & Jeff Reeder, Lyle & Roberta Briley, Gayle Plummer, Robert Nichols, Johnnie Hill, Gregg Hall and others

**Item 1: Consider minutes from the November 18, 2008 meeting**

Chair Cowman called the meeting to order with the first order of business the consideration of the minutes from the November 18, 2008 meeting.

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

**Item 2: 08-VARI-01 Public Hearing (BZA); Variance:** Consider an application from Lighthouse Presbyterian Church for a reduction in the number of required parking spaces for Assembly & Worship at 1101 Industrial Park Drive.

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

Amy Barenklau stated the applicant and property owners were in attendance and then presented the staff brief. During the November meeting the applicant's site plan was rejected based upon parking requirements. After a lengthy discussion, it was determined that the Commissioners agreed with the applicant that the required number of parking spaces, as outlined in the Land Development Ordinance, was in excess of what they felt was reasonable for the proposed additional use at this property.

After the discussion, it was determined that the applicant would need to apply for a variance to obtain a reduction in the required number of parking spaces. The combined square footage for the office space and the assembly & worship area requires 85 parking spaces. The applicant would like a reduction to 26 parking spaces and 1 ADA parking space.

**BACKGROUND:**

After the split from the Paola Presbyterian Church, the Lighthouse Presbyterian Church began meeting at 15 West Wea Street on Paola's Square, during that time the youth were meeting in the former administration building. Several months ago, the owners of the former USD 368

Administration building, who were also members of Lighthouse, approached the City of Paola about buying the building. After the building was sold, the youth ministry was looking for another location. The Briley's stepped up and offered their warehouse space at 1101 Industrial Park Drive for the youth to meet until a more permanent place for Lighthouse could be secured.

**STATUTORY CRITERIA:**

The Board of Zoning Appeals must consider the following statutory criteria (in **bold**) when evaluating a variance request:

**1. The land use must be allowed in the zoning district.**

The area is zoned Thoroughfare Access. Assembly and Worship are an allowed use in this zoning district.

**2. Special circumstances or conditions exist peculiar to the land or building for which the variance is sought that do not apply generally to the lots, land, or buildings in the neighborhood.**

The entrance and parking area for this building were to have been changed during the Industrial Park Drive project, which has now been postponed indefinitely. Previous waivers were granted based on the changes the project would have brought to the property.

**3. Special circumstances have not resulted from any act of the applicant subsequent to the adoption of the LDO.**

The circumstances are a result of the land, not an action of the landowner.

**4. The special circumstances and conditions are such that strict application of the LDO would deprive the applicant of reasonable use of the land or building.**

There is a concern that the required number of parking is based on all attendees being drivers. There should be consideration given that though not all participants are of legal driving age, someone has to drive them to the location, as well as pick them up. Additionally, there will be some adults that chaperone the youth during activities.

It may be difficult to conclude that not granting the variance on required parking spaces will deprive the applicant of reasonable use of this land. However, the argument could be made that in the future if the use discontinues the additional parking will not be needed.

**5. Granting the variance is necessary to relieve an unnecessary hardship created by the regulations.**

Granting a variance is necessary to reduce the number of required parking spaces for this added use. Given that the assembly and worship is intended to be in this building for several years and then re-locate, the additional cost for the added parking spaces could be considered an unnecessary hardship.

**6. The variance granted is the minimum necessary to relieve the hardship.**

It may be possible to reduce the parking less than being requested. However, the applicant and Planning Commissioners feel that this is a reasonable number of spots given the proposed use.

**7. Granting the variance will not be injurious to the neighborhood or to the public welfare.**

Staff does not believe that granting the variance would be injurious to the public welfare.

**8. Granting the variance is consistent with the intent of the LDO and Comprehensive Plan.**

The intent of Paola's land use regulations is to encourage 'rational growth' while not depriving reasonable use of property. While this area is zoned Thoroughfare Access, surrounding properties are residential and some consideration should be given to protect those property owners, as well as the Business Park zoning on Industrial Park Drive. The strict enforcement of parking requirements might be considered inconsistent with the intent of these documents.

**RECOMMENDATION:**

Staff feels that a reduction in required number of parking spaces may be reasonable if other site improvements required by the Land Development Ordinance are enforced. The Industrial Park Drive project is on hold at best, and there is no reason to delay site improvements any longer. Staff understands the Commissioners desire to grant the variance for required number of parking spaces based on the unknown future of the youth ministry and the number of those actually parking during events.

There were no comments from those in attendance.

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

*Commissioners Bonner and Gage made a motion to approve the variance for a reduction in the required number of parking spaces; to require 26 regular and one ADA parking space. All Commissioners voted in favor.*

**Item 3: 08-PPC-03 Preliminary/Final Site Plan – change of use;** Consider an application from Leon Briley for required parking for new use in existing building; denied at November meeting-pending variance.

Amy Barenklau presented the staff brief. During the November meeting, the Planning Commission determined that a variance was necessary for a reduction in the number of required parking spaces and denied the site plan. A public hearing for the variance was held prior to the re-submittal of the site plan.



different hours of operation reducing the ‘total’ parking need; the uses can share parking spaces.

- Applicant was granted a waiver to allow construction of the parking lot to occur after the Industrial Park Drive reconstruction was complete. Now that a change of use and intensified use of the structure has occurred, the previously allotted parking is no longer viable. They are again requesting a waiver on the parking lot.
- Applicant was granted waiver in 2004 and applied for a variance in the required number of parking spaces. The public hearing was held earlier this evening.

2) **Drive Approach:** Drive approach should be paved from Industrial Park Drive to the parking lot - improvement was to be made in 2004. The same construction standards as defined for the parking lot apply. It is anticipated that if Industrial Park Drive is ever improved, it will be improved to a curb/gutter standard with enclosed storm system. As it is unknown when and if the project will take place, the drive approach should be upgraded during parking lot improvements.

3) **Exterior storage:** Exterior storage is not allowed.

4) **Trash Enclosure:** Must comply with Landscaping for Waste or Trash Storage Areas (Figure 03.212-Article 3 of the LDO). Currently applicant is utilizing a roll out cart which is stored inside. If a larger, more permanent cart is needed, or if this is left outside, a trash enclosure and applicable landscaping, as defined in Article 3 shall be required.

5) **Landscaping:** Defined in Section 6.120 of the LDO. While this is an existing building, the use in a portion of this structure is changing and intensifying.

- Street Trees – 1 per 50 feet of frontage
  - Hospital Drive frontage = 130 ft. 3
  - Industrial Drive frontage = 408 ft. 8

Total Street Trees required: 11

*Visual inspection shows street trees along Hospital Drive. **Street trees along Industrial Drive will need to be installed.***

- Lot Landscaping - per 2004 review 2.83  
plant units

- Parking Landscaping – 1 plant unit per 18 spaces 1.5  
27 spaces required  
plant units

Total Landscaping required: 4.33 plant units

*Current lot landscaping appears to meet the requirements. **Two (2) plant units for parking lot landscaping would need to be installed.***

Former Planner Faust performed a landscape review in 2004 and recommended at that time some landscaping be delayed until Industrial Park Drive reconstruction was complete. Due to the indefinite delay of the project, current staff feels that there is no need to delay any landscaping, including installation of street trees and parking lot landscaping.

- Applicant was granted a waiver in 2004, pending Industrial Park Drive. They are again requesting a waiver.

- 6) **Sidewalks:** Sidewalks are required along Hospital Drive and Industrial Park Drive. Currently, there is an existing sidewalk that terminates at the north property line of Heatherwood Estates. This sidewalk is to be extended northward to the drive entrance to this business. This will permit safer pedestrian access from the school campus and Heatherwood directly to the youth ministry services at 1101 Industrial Park Drive. There currently is no walk along Industrial Park Drive; a sidewalk should be installed east of the existing entrance to the east property line.
- 7) **HVAC and Utility Screening:** Required if rooftop HVAC units are installed in the future.
- 8) **Signs:** No signs are proposed as part of the site plan. Any additional signage would require an approved sign plan and permits. All applicable requirements will apply at time of application.
- 9) **Drainage:** Must meet requirements of APWA 5600. Additional paved parking surfaces would increase flow to the on-site storm inlets as well as underneath Hospital Drive. Study should be submitted showing that current pipe sizes are adequate and downstream impacts do not create any additional issues. On-site parking lot detention (or other approved method of detainage) may be needed.
- 10) **Lighting:** No additional lighting is proposed at this time. If lighting is added in the future, permits will be required and all applicable requirements will need to be met at that time.
- 11) **Nonconforming Building:** Per Section 9.130 of the LDO, the building can remain in 'as is' condition. Any remodeling must comply with the LDO and all other applicable laws of the City.
- 12) **Bufferyard:** Per Section 13.140 of the LDO, a .60 bufferyard between the TA zoning district and the adjacent residential development is required. In the 2004 review, staff felt that the existing bufferyard, if on applicant's property, was adequate unless further development of the property occurred.

**Planning Commission Action:**

The Planning Commission may take action on one of the following options:

- 1) Recommend approval of the site plan allowing 'assembly and worship' at 1101 Industrial Park Drive.
- 2) Recommend rejection of the site plan.
- 3) Table the matter for further study.

**Recommendation:**

The applicant is requesting waivers on requirements as outlined in the LDO for the hard surface parking lot and landscaping.

During the November 18, 2008 meeting the site plan was rejected so that the applicant could make application for a variance in the required number of parking spaces. The only issue that seemed to be of concern was the large number of required parking spaces, not the remaining site requirements.

Staff feels that at this time there is no reason to postpone necessary site improvements. The street project is on hold indefinitely and there are no current proposed changes to the approach, drive or parking lot due to any other city projects. Improvements have been on hold since 2004 and since there are no plans for changes in the foreseeable future, staff feels that it is time to enforce compliance with regulations, as with previous applicants.

**City Council Action:**

- 1) The City Council may approve the site plan.
- 2) The City Council may reject the site plan.
- 3) The City Council may require additional improvements.

Commissioner Cowman stated that he felt the applicant needs to comply with requirements at this time. A waiver was issued four (4) years ago for Industrial Park Drive, but that is no longer grounds to delay site improvements. Commissioners Smith, Bonner and McLean all agreed.

Mr. Briley stated that he did not have a problem making improvements at some point in time, but would like a waiver that would expire in three (3) years so they could determine what would be done. By that time the youth group will have moved. He questioned if it made sense to make improvements at this time with the project on hold.

Commissioner Gage agreed that with the project on hold it did create some concerns, and asked if the city would repair any damages if the road was improved in the future.

Commissioner Wrischnik stated he felt the sidewalks might change, but felt the parking would not change.

*Commissioners Cowman made a motion to approve the site plan based on all walks, hard surface parking and landscaping being installed. Commissioner Smith seconded the motion.*

Commissioner Gage inquired about a date to have work completed.

*Commissioner Cowman amended his motion to include completion of the required items within six (6) months.*

*After discussion about city replacing damaged improvements during future reconstruction of Industrial Park Drive, Commissioner Cowman withdrew his original motion.*

*Commissioners Cowman and Gage made a motion to approve the site plan with the condition that all required site improvements (walks, hard surface drive, landscaping) be installed within a six (6) month period; with an additional condition that if the improvements are damaged or removed during future reconstruction of Industrial Park Drive that the City of Paola will replace any improvements torn up during the project. All Commissioners voted in favor.*

**Item 4: 08-REZO-03 Public Hearing (BZA); Proposed Re-Zoning:** Consider a text amendment to the LDO to re-zone property near the 311<sup>th</sup> Street/Hedge Lane/Baptiste Drive interchange from Business Park to Thoroughfare Access.

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

Amy Barenklau presented the staff brief. Staff has received several requests and inquiries about the area in question. Previously, a Conditional Use Permit (CUP) was granted to the Keith & Ava Allen, 31202 Hedge Lane, for a home addition and a new barn. Jeff and Elizabeth Sweeney-Reeder, 23180 West 311<sup>th</sup> Street, have expressed concerns over having had a difficult time obtaining a loan for the remodel of their home and Barb Brandt and her siblings, owners of 31206 Hedge Lane, have concerns about the ability to sell their mother's property due to potential buyer's inability to obtain financing for the property as zoned.

Previous staff had been in conversation with Mrs. Brandt and family, and their options for potentially splitting the property and through their process of looking to list the property, it became more apparent that the main issue was going to be finding a buyer that would be able to get financing for the property since it is zoned commercial. The property owners were advised to visit with surrounding property owners to see if they had interest in potential re-zoning of this area.

During this process, Marjorie Reeder indicated she had a desire to build a residential structure on land adjacent to her son, as well. And lastly, during discussions a couple of months ago about the proposed retail development just to the north of these properties, Taylor Design indicated they would be seeking to re-zone that property as well.

Staff then determined it might be best for the city to initiate a map amendment for rezoning the area in question. The property owners all seem to be in agreement that this would be positive for their current and future land use. Staff has received letters of support from a majority of property owners and has discussed with the County the potential for this re-zoning. Miami County has not given any objection to this re-zoning.

Staff has received several phone calls from surrounding property owners and all have been in support of the proposed re-zoning.

As a portion of this property is in the growth area, the Miami County Board of County Commissioners will need to approve/deny this request prior to Paola City Council's decision.

**Analysis:**

The Business Park zoning district is defined as follows:

- A. This district permits office, manufacturing, industrial, warehousing, and uses that support them. These areas are located primarily at US 169 interchanges, at K-68, and the current industrial park. The land use restrictions ensure the land best suited for this use is available.
- B. Moderate to high intensities are permitted to achieve maximum land utilization. This development pattern provides a Thoroughfare Access character. The area is intended to attract business and industry. The designated areas are intended to be regional employment centers for the City and Miami County. The area's development (as seen from US 169 or other main roads) provides a high quality business park character. The interior land, screened from US 169 or other main roads, may develop at higher intensities with less landscaped area. Such practices will maximize land use. Exterior storage is limited to interior sites and must be screened.

Currently there are two other areas that are zoned Business Park. The land south of K-68 and around the US 169 interchange has been designated BP. The Paola Industrial Park is also designated as Business Park; the city provides free land to interested, qualifying parties.

Staff feels that these lands are much more suitable to Business Park Zoning and have a higher potential to develop as such. with surrounding areas zoned to accommodate higher intensity uses.

The key limitation in this area is that it is primarily agriculture land, with some floodplain bordering areas of the land; and the desire of several landowners to build residential structures which are not allowed in the Business Park District.

The Thoroughfare Access district is defined as:

- A. This district provides for high quality, moderate density development with a full range of residential and nonresidential uses.
- B. The design requirements provide a Thoroughfare Access character while encouraging pedestrian and automobile access.

- C. This district's intensity accommodates most community commercial and business activities. These nonresidential uses shall be limited to parcels having access to arterial or collector streets. Interior areas are intended to be residential.
- D. This district is not intended to promote strip development along all arterials and collectors. In newly developing areas the minimum parcel depth along an arterial or collector shall be six hundred (600) feet. The minimum area shall be twenty (20) acres. In the older built-up areas where there is in-fill development, this zoning shall not displace residential uses in areas where at least one block of residential exists. New zoning shall have depths and areas equal to or greater than similar uses for four hundred (400) feet on either side. This district shall be used in areas designated Thoroughfare Access in the Comprehensive Plan. Access standards and site plan review shall be used to ensure that adequate access and visibility are retained on regionally important land near interchanges to prevent premature development from foreclosing future development options.

The TA zoning classification would allow homes to be built as well as allow the land to be utilized for more desirable uses. The intensity of those uses is the significant difference in TA zoning.

The most significant differences in the two commercial districts would be how many uses are allowed. In many cases, allowed or limited review uses in the BP district would require Conditional Use Permits in TA zoning. Heavier uses such as heavy industry and utilities would not be allowed in TA zoning, but would be allowed in BP districts.

### **MAP AMENDMENT (REZONING) REVIEW**

Current Zoning: Business Park

Current Use: The approximately 242 acres in this area is comprised of a large amount of vacant, mostly agricultural, ground with single family residential structures and agriculture accessory buildings

Proposed Zoning: Thoroughfare Access

Proposed Use: Construction of a single-family home on a tract within the rezoned area, a potential lot split to list property and a retail development, as well as normal residential requests (accessory structures, remodels, additions)

In evaluating a request for a Zoning Map Amendment, the following standards shall be considered (Section 21.211):

1. **The proposed change is consistent with the City's Comprehensive Plan and the purposes of the Land Development Ordinance.** Consistency with the Comprehensive Plan shall be considered to meet the standards below.

- Development principles and policies. Most of the language, in Chapter 22 of the Land Development Ordinance, discusses the policies and principals guiding the formation of the LDO. These goals discuss the need to create rational land use patterns that protect natural resources, encourage the appropriate use of each property, and preserve economic development opportunities. Chapter 2 of the LDO defines the districts. One of the definitions for Thoroughfare Access is as follows: This district's intensity accommodates *most community commercial and business activities*. Nonresidential uses shall be limited to parcels having access to arterial or collector streets. Interior areas are intended to be residential.
- Future Land Use Map. As shown in the use tables in Chapter 3 of the LDO, there are many similarities in the allowed uses of the BP and TA districts. The property is shown as commercial, urban and mixed use (commercial, residential and industrial) on the future land use map.
- Major Streets. Thoroughfare access zoning requires access to a designated thoroughfare. Baptiste Drive and 311<sup>th</sup> Street as designated arterials; Hedge Lane and Hospital Drive are designated collectors. All properties in question will take access from these streets.
- Schools and other public and semi-public uses. No change in density is proposed. No immediate burden on such facilities is anticipated.

**2. The proposed change is consistent with the character of the neighborhood:**

Neighborhood Character: Thoroughfare Access commercial corridor to the north, City of Paola residential to the west , county zoned area to the east and a mix of suburban and estate to the south.

**3. The extent to which the property is consistent with the zoning and use of nearby properties:**

Several parcels near this property are currently zoned Thoroughfare Access and several parcels front Baptiste Drive. The proposed zoning would match the character of the surrounding properties and neighborhood better than the current zoning. The proposed zoning would also allow normal residential uses to occur without the additional expense and time required for a Conditional Use Permit.

**4. The suitability of the property for the uses to which it has been proposed or restricted.**

The land is suitable for commercial development as well as some residential development. The floodplain does limit development of some of the parcels along Hedge Lane, 311<sup>th</sup> Street and Baptiste Drive. A portion of these lots to be re-zoned are located along Baptiste Drive and the proposed uses are similar to those already existing in the area.

**5. The extent to which the proposed use would substantially harm the value of nearby property.**

There are substantial similarities in the allowed uses between the current zoning (BP) and the proposed zoning (TA). It is easier for an individual commercial use to develop in TA because the site area minimum is smaller and more commercial uses are available in the TA District. It will be a definite detriment to the city and to the property

owners if any commercial development that occurs following rezoning is a low quality commercial development.

Infrastructure for the parcels along Baptiste Drive will need to be extended to serve the proposed retail development, but are in the general area. Existing residences are currently served by septic systems. The general vicinity of the city's new sewer treatment plant and the water line for the new water plant will serve this area once service has been extended.

Any commercial uses on any of these tracts would most likely first require that the land be replatted. This process can help insure that no low-quality commercial development occurs on these properties.

Certain commercial developments may degrade the values of the homes in the area for residential value although the overall property value is expected to remain high because of the ground's location near the interchange. Additionally, the re-zoning will increase the ability of potential buyers of residential property to obtain financing in this difficult market.

6. **The length of time a property has remained vacant as zoned, where the zoning is different from nearby developed properties.** This and surrounding properties have not changed dramatically since the adoption of the LDO in 1997. The only changes have been a remodel and new garage at the Reeder residence and a room addition and new barn at the Allen property. One of the property owners would like to list their property for sale, but has not due to potential buyer's inability to obtain financing as currently zoned.
7. **The gain, if any, to the public health, safety and welfare due to denial of the proposed amendment as compared to the hardship imposed upon the landowner, if any, as a result of denial of the proposed amendment.** As the residential tracts are zoned BP, if the homes are damaged or destroyed they cannot be rebuilt. Any prospective buyers are limited to those who do not need to finance the purchase of any of the properties through home through mortgage instruments.

The area near these properties is already developed commercially. With the requirements for land development in the LDO, high quality commercial development will continue to occur in and around this location. Rezoning will allow similar uses as those in existence, while allowing property owners reasonable use of their land and conserving the ability to develop both commercial and residential uses.

8. **Recommendation:** Staff recommends approval of the rezoning from Business Park to Thoroughfare Access.

**PLANNING COMMISSION ACTION:**

Planning Commission shall recommend one of the following:

- 1) Deny the request to rezone the tracts as described from Business Park to Thoroughfare Access.
- 2) Approve the request to rezone the as described from Business Park to Thoroughfare Access.

As stated above, the Planning Commission's recommendation will be forwarded to the Miami County Commission.

Staff indicated that a letter had been received from property owner requesting that their parcel not be included in the re-zoning. Staff's understanding is that they want to leave their options open for any future development.

There were no comments from those in attendance.

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

*Gage made a motion to rezone the property as requested, except the one parcel that has been requested to be removed from the proposed parcels.*

*Gage withdrew his motion.*

The Commissioners discussed any impact to properties and plans for the parcel that has requested to be left out of the re-zoning.

*Commissioners Gage and Cowman made a motion to recommend approval of re-zoning the proposed parcels, except the piece requested to be removed, from Business Park to Thoroughfare Access. All Commissioners voted in favor.*

Amy told the Commissioners and property owners in attendance that this recommendation will be forwarded to the Miami County Board of County Commissioners for their approval. Then once they have approved, it will be sent to the Paola City Council.

#### **Item 6: Staff Items**

Staff presented a corrected calendar for 2009 to the Commissioners, then presented the staff brief for December 2008.

- 1) **Kodiak nuisance/zoning violations:** Staff has been dealing with the properties owned by this property owner on several different issues. (An open well was located on the Old KC Road property and the owner was illegally dumping dirt and debris in the floodplain at the Stewart Lane property.) 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.

- 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.
- 4) **Concept Plat:** Staff has received initial construction plans for the commercial development across from Miami County Medical Center. The plans have been reviewed and an initial set of notes has been submitted to the engineer. The engineering firm is working on their response and should be receiving revised plans in the next several weeks. Staff believes that a plat will be submitted soon after the re-zoning process is complete.
- 5) **Lot next to Arby's:** A grading permit has been issued to Harris Excavating for site preparation. Staff's initial understanding was that it could be a couple of years before the property is developed. Recent information is that there are no definite timeline on plans for the property; it may happen sooner.
- 6) **Growth Area tract splits:** Staff is researching requirements on guest houses for a potential lot split in the growth area. Allenbrand-Drews is working with a client that would like to split a parcel that currently has two residential structures on the property.
- 7) **Potential retail:** Staff has provided a list of lot requirements to the property owner that was inquiring about a potential lot split. Staff's initial thoughts are that the proposed lot will not be able to meet access standards and possibly a few other lot requirements.
- 8) **Weather station update:** The City Council approved the installation of a weather station at Lake Miola. The weather station was in process of being installed on Thursday, December 11, 2008. The fence is scheduled to be installed as soon as possible, but weather may delay. Staff has attached some pictures of the tower and instrumentation for you to view.
- 9) **Cherokee Ridge:** Staff was contacted by Charlie Smith late last week. He was asking staff if there was any potential to build homes on a couple of the lots that do not have

street access. He would like to build houses with rear entry garages that take entrance from the 34-foot KCPL access road. Staff has sent an initial response indicating that it does not appear that there are any ‘allowances’ for this type of request. However, staff also indicated there are some additional sections of the LDO that need to be read, researched and interpreted.

- 10) **Paola Girls Softball Assn:** This has been an ongoing project for both staff and the PGSA. Their initial application was for a new bathroom and concession stand at the ball fields. The initial plans were in the floodplain and were placed on hold based on requirements for development in the floodplain. At this time they are requesting to construct an addition to the existing building, which is still in the floodplain. They are inquiring as to whether there is any possibility for a waiver on floodplain requirements based on the use and need.
- 11) **Zoning violations:** 1.) Staff is going to pursue fines for one sign zoning violation that has not been resolved. A letter was sent in October in regards to a multi-tenant building and the owners have not made any attempts to resolve or respond to the notification. 2.) Staff has received a complaint of horses on a 2-acre property in the growth area. Staff has verified the complaint and a letter will be going out the beginning of the week.
- 12) **Lot Split:** Staff has received a request to investigate the potential for a lot split in one of the older neighborhoods. The existing parcels are split from north to south with the house sitting in the middle of the tracts towards the north end of the lots. The request is to split the lots east/west to build another home. Staff will be researching this in the LDO to determine if it will meet LDO requirements.
- 13) **5 County transportation study:** Staff has been asked to research permit statistics for both residential and commercial projects from 2000 – 2006 for Miami County. Staff will not be attending a meeting, as days off were planned prior to notification of this meeting.
- 14) **Consultations:** Staff has held consultation meetings with three individuals this past month. 1.) Sykes Manufacturing – looking to relocate their businesses from Olathe and Shawnee to the west end of town. 2.) Vickie Vetter-Scruggs – former Teambank Investment Center; office space in front half and retail art in the rear portion of the building; possibly an apartment in upper floor in future. 3.) Local Church – remodel and addition of sanctuary seating; will require additional parking spaces.

Representatives from the Paola Girls Softball Association were in attendance and discussed with the Commissioners and staff their desires to build a new concession stand. The proposed property is in a flood zone and the association would like to build, but does not feel they should meet the floodplain requirements.

Staff indicated they would continue working through the floodplain requirements with association members. City Manager Wieland explained that floodplain regulations are a federal

requirement, as well as a city requirement and that the city will not waiver on federal requirements.

**Item 7:        Items from Commissioners**

The Commissioners inquired about the Paola Growth Area that the county is discussing taking back from the cities.

**Item 8:        Adjournment**

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