



## AGENDA

Paola Planning Commission / Board of Zoning Appeals  
To be held via YouTube

[https://www.youtube.com/channel/UCEIgdJjzXV\\_XvXznUfKQomw](https://www.youtube.com/channel/UCEIgdJjzXV_XvXznUfKQomw)

Tuesday, October 20, 2020 - 5:00 PM,

1. Pledge of Allegiance.
2. Approval of the minutes from the August 18, 2020 meeting.
3. **Public Hearing:** Consideration and vote on a recommendation for the proposed rezoning of Tract 3, of the Paola Industrial Park from Business Park to Thoroughfare Access, City of Paola, Applicant.
4. Community/Economic Development Director Report.
5. Adjournment.

Note: When addressing the Commission, please step to the podium and state your name and address so that it can be recorded in the minutes of the meeting. In compliance with the American with Disabilities Act, Individuals needing assistance or other services or accommodation for this meeting should contact Randi Shannon at least 24 hours in advance of this meeting at 259-3600.

**NEXT SCHEDULED MEETING**  
**November 17, 2020**



**MINUTES OF THE PLANNING COMMISSION MEETING  
PLANNING COMMISSION / BOARD OF ZONING APPEALS  
AUGUST 18, 2020**

**Commissioners Present:** Cowman, Hardwick, McLean, Pritchard  
**Commissioners Absent:** Scott, Pfefferkorn  
**Others Present:** Assistant City Manager Randi Shannon, Dawn Atwell  
**Email Comments Sent:** Clint and Jessica 29342 Rockwood Ave  
 Kenny Olson 29331 Rockwood Ave

**Item 1: Pledge of Allegiance**

**Item 2: Consideration of minutes from the May 19, 2020 meeting**

Commissioner Cowman called the meeting to order. The first order of business was the consideration and approval of the minutes from the May 19, 2020 meeting.

*Commissioners McLean and Pritchard made a motion to approve the minutes from the May 19, 2020 meeting with all Commissioners voting in favor.*

**Item 3: Public Hearing: Consideration and vote on a Variance to the minimum setback requirement at 29330 Rockwood Ave, Elite Home Builders, Applicant.**

*Commissioners Pritchard and McLean made a motion to open a Public Hearing with all Commissioners voting in favor.*

Assistant City Manager Randi Shannon, presented that the Applicant is requesting for the 20 ft. build line along 293rd St. to be reduced to 15 ft. as well as the rear 25 ft. setback reduced to 10 ft. to allow for a 1600 square foot home with a three-car garage to be built.

Rockwood Estates II was platted in 2003. Lot 13 (29330 Rockwood Ave) is one of the smaller corner lots in the development. Due to it being a corner lot there is a 20 ft. building line on the north part of the lot, long 293rd St. and a 25 ft. build line on the east side of the lot along Rockwood Ave. The lot also has a 25 ft. rear setback (west side of the property) and abuts designated green space for the development.

Applicant Dawn Atwell with Elite Home Builders explained that the Rockwood HOA and covenants require a minimum of 1600 square feet for a ranch style house in this phase of the development, which due to the three-car garage will not fit on this lot. This type of conventional single-family home is what currently surrounds this lot. Therefore, applicant believes that a

smaller village house would be out of place and take away the character of the neighborhood. The proposed house will be constructed within the property lines of the lot, but would be encroaching onto the build lines.

Emailed comments from the public were read. Both emails stated that they were told informed that this lot would always be green space which made them choose their current homes next to this lot. They also expressed their concerns with a house being build on this lot that would not be uniform or cohesive with the surrounding neighborhoods.

*Commissioners McLean and Pritchard made a motion to close the Public Hearing with all Commissioners voting in favor.*

Commissioners reviewed Article 21, Section 21.251 STANDARDS FOR VARIANCES to evaluate the variance request.

Commissioner Hardwick felt like the applicant's issue was a HOA issue, and asked if the applicant has approach them for a solution.

Applicant stated that the HOA was going to gift the green space located along the rear property line to them to allow for more lot footage. After legal review the HOA found out that it would not be legal to gift the land to them. They would make a contract with the property owner that they would be allowed to use the greenspace for non-permanent activities.

Commissioners agreed that the special circumstances and condition imposed on this building have not resulted from any act of the applicant, and that it was necessary to grant the variance to relieve the hardship of the strict setback regulations of this property. It was in agreeance that application met all of the standards laid out in Section 21.251.

There was no further discussion among the Commissioners.

*Commissioners Cowman and Pritchard made a motion to approve the variance to grant the 20 ft. build line along 293rd St. to be reduced to 15 ft. as well as the rear 25 ft. setback reduced to 10 ft. with Commissioner McLean in favor and Commissioner Hardwick opposed with the vote 3 in favor and 1 against.*

**Item 4: Consideration and vote on a recommendation to replat Lots 16-21 of Cherokee Ridge, Loren Snyder, applicant.**

Assistant City Manager, Randi Shannon, Cherokee Ridge was originally platted in 2004 with lots 16-21 as they are currently presented as well as a 30 ft. right-of-way along the west side of the lots for the extension of Poplar Ridge. If lots 16-21 were to be developed, Poplar Ridge would need to be developed and constructed to city standards to accommodate these lots. The developer would also need to acquire an additional 30 ft. of right-of-way to the west of the proposed Poplar Ridge extension to be able to meet the city street standards.

As shown on the Cherokee Ridge Replat done by Allenbrand-Drews and Associates, the City will vacate the 30 ft. right-of-way for Poplar Ridge, but keeping utility easements. The build lines on the lot will be adjusted so that there is a 25 ft. building line along Cherokee Lane, where the applicant will take access to the lot from.

Commissioners Cowman and McLean expressed that they believe that this replat would be the best development option for these lots due to the geographical limitations. Also, because these lots have been vacant for 16 years. Commissioners Pritchard and Hardwick believed that it was too large of a lot for one single-family home to be built on.

There was no further discussion among the Commissioners.

*Commissioners Mclean and Cowman made a motion to recommend approval of the replat of lots 16-21 of Cherokee Ridge with Commissioners Pritchard and Hardwick opposing. The vote was two in favor and two against which by the LDO constitutes as a denial of recommendation.*

**Item 5: Community/Economic Development Director Report**

Building permits for the year 343.

**Item 6: Adjournment**

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



## Paola Board of Zoning Appeals Memorandum

Agenda Item 3

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**SUBJECT:** Public Hearing: Rezoning Tract 3 of Paola Industrial Park  
**CONTACT:** Randi Shannon, Assistant City Manager  
**DATE:** October 20, 2020

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### **Introduction**

Case Number: 20-RZ-01

Applicant: City of Paola

Subject Property: Tract 3, Paola Industrial Park

Zoning: Currently Business Park (BP), Proposed Throughfare Access (TA)

### **Background**

Tract 3 of the Paola Industrial Park is approximately a 5-acre lot that is currently zoned BP. City of Paola, applicant is proposing the zoning change from BP to TA. This lot is currently home to the Paola Community Garden which is located on the west 2 acres of this 5-acre lot.

### **Issue**

The city has a proposed development that is looking to build in the Industrial Park. This proposed development is an approximately 8,000 sq. ft. building for an in-door baseball/softball batting cage facility. According to the Paola Land Development Ordinance this use is considered as Indoor Recreation, which is only allowed in the Thoroughfare Access (TA) zoning district. If the rezoning is approved, a lot split will be completed of Tract 3. This would separate approximately the west two acres for the Community Garden (where they currently reside), and leave three acres to the east for the proposed development.

For this development to be located on any lot in the Industrial Park, a rezoning would have to be done. Tract 3 is the best option due to the fact the adjoining lot directly to the west, that was rezoned from BP to TA in 2008, would allow for the TA zoning to be continuously extended. To rezone a lot that is not adjoining to the TA district would be considered "spot" zoning. "Spot" zoning is discouraged and not consistent with the Paola Compressive Plan.

### **Summary**

Applicant is proposing the rezoning of Tract 3, of the Paola Industrial Park from BP, to TA. The Planning Commission holds the Public Hearing and will vote on a recommendation, for the City Council to consider for final action at the November 10, 2020 City Council meeting.

## **Discussion**

Below are the standards from the Paola Land Development Ordinance that needs to be considered for the zoning change.

### **Section 21.211 STANDARDS FOR ZONING MAP AMENDMENT**

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

A. The proposed change is consistent with the City's Comprehensive Plan and the purposes of this Ordinance. In areas of new development, consistency with the Comprehensive Plan shall be considered to meet the standards in B., C., and D. below, unless the proposed amendment would threaten public health, safety, and welfare if so designated as planned in the Comprehensive Plan.

B. The proposed change is consistent with the character of the neighborhood.

***The land to the north and east of Tract 3 is zoned BP with a future development going in on the north lot and the east vacant. To the south is the Heatherwood Subdivision which is zoned NCR-1. The lot to the west is occupied and zoned Thoroughfare Access. Because the adjacent land to the east is zoned TA, the rezoning of Tract 3 would not be a "spot" rezoning.***

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

***The allowed used for TA and BP are almost identical, with the exception of some commercial and industrial uses having stricter requirements than in BP. The proposed use is almost identical to what the building located directly to the west of Tract 3 was originally rezoned for.***

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

***Yes, the land is suitable for the uses restricted to Business Park zoning.***

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

***Staff does not anticipate that the neighborhood's character will be dramatically changed by rezoning the property to TA. The uses allowed in Business Park and Thoroughfare Access are almost identical (see General Use Table 3.110 A. for a listing). However, commercial and industrial uses are allowed only with a conditional use permit in the TA zoning. Rezoning the property to TA may protect***

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***the adjoining property owners because of the conditions that could be included in the CUP approval for a commercial or industrial use.***

F. The length of time a property has remained vacant as zoned, where the zoning is different from nearby developed properties.

***Site has never been built on.***

G. 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.

***There are many Business Park uses that are appropriate for this site. Staff does not believe that the BP zoning imposes a hardship on the owner.***

H. Recommendations of permanent or professional Staff.

***Staff does not oppose the rezoning of Tract 3, of the Paola Industrial Park.***

### **Alternatives**

Planning Commission could not recommend approval of the rezoning of Tract 3 of the Paola Industrial Park to the City Council.

### **Action**

I move to recommend/deny approval of the rezoning of Tract 3 of the Paola Industrial Park, from Business Park to Thoroughfare Access.

### **Attachments**

1. Aerial map with Zoning Districts
2. Aerial map with lot split





