



**MINUTES OF THE  
PLANNING COMMISSION MEETING  
PLANNING COMMISSION /  
BOARD OF ZONING APPEALS  
MAY 19, 2021**

**Commissioners Present:** Cowman, McLean, Scott, Nickelson  
**Commissioners Absent:** Pfefferkorn, Newton, Prtichard  
**Others Present:** City Manager Sid Fleming,  
Assistant City Manager Randi Shannon,  
Ben Minden, LSX Construction, 111 W Baptiste Drive.

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**Item 1: Pledge of Allegiance**

**Item 2: Consideration of minutes from the January 19, 2021 meeting**

Commissioner Cowman called the meeting to order. The first order of business was the consideration and approval of the minutes from the January 19, 2021 meeting.

*Commissioner McLean made a motion to approve the minutes from the January 19, 2021 meeting, Commissioner Scott made a second motion. All Commissioners voted in favor with Commissioner Nickelson abstaining due not being present at the January 19, 2021 meeting.*

**Item 3: Public Hearing: Consideration and vote on a recommendation for a CUP to operate a gas station and U Haul Rental at 604 N Silver Street, PTI, LLC., Applicant.**

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

Assistant City Manager Randi Shannon, presented that the applicant is looking to reopen the gas station/convenience store, as well as house an unmanned U Haul Rental at 604 N Silver. Both of these uses require a Conditional Use Permit to operate in the thoroughfare access zoning district. Although this property was once a gas station, due to use being discontinued for a period longer than six (6) months, it will require a Conditional Use Permit.

Ben Minden, member of the public and adjacent business owner of the property, asked the Planning Commission to consider granting him an easement to allow for the ability to access his property. The City Manager advised that the Planning Commission could only address the CUP issue on the 604 N. Silver property and that any discussions of easements would have to be dealt with between the private property owners.

Commissioners reviewed Section 21.220 which provides the criteria to evaluate the conditional use, and Section 21.222 which provides the rationale for imposing any conditions. Consensus

among commissioners was that the proposed use was consistent with the criteria set forth in Section 21.220. Commissioners reviewed the following conditions.

- 1.) Lighting shall be all cut-off fixtures located to minimize and impact on adjoining properties and comply with Article 12, DRAINAGE, UTILITIES, PARKING AND LIGHTING of the LDO.
- 2.) All rental vehicles shall be parked in accordance with the parking setbacks stated in Article 4, Table 4.110A.
- 3.) All rental vehicles shall be parked on paved hard-surface.
- 4.) There shall be no more than XX number of vehicles parked at the location at one time.
- 5.) 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 Land Development Ordinance. 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.

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

Consensus among commissioners was that the term of rental vehicles should be changed to units, due to the fact that the rental company might have trailers and other items with wheels that might not be powered on their own.

The Planning Commission determined that until the gas station is open for service, there shall be a maximum of six (6) rental units parked on paved, hard-surface parking. Once the gas station is operational, four (4) of the six (6) spaces shall be available for customer parking. The remaining two spaces will be available for rental unit parking. The applicant may add additional paved-hard surface to the property in the future to accommodate more rental units if demand calls for it. At which time CUP may be amended to add more rental units spaces.

The modified conditions are as follows.

- 1.) Lighting shall be all cut-off fixtures located to minimize impact on adjoining properties and comply with Article 12, DRAINAGE, UTILITIES, PARKING AND LIGHTING of the LDO.
- 2.) All rental units shall be parked in accordance with the parking setbacks stated in Article 4, Table 4.110A.
- 3.) All rental units shall be parked on paved, hard-surface.
- 4.) Until the gas station is open for service, there shall be a maximum of 6 rental units parked on paved, hard-surface area.
- 5.) Once the gas station is operational, 4 of the six spaces shall be available for customer parking. The remaining two spaces will be available for rental unit parking. Applicant may add additional paved, hard-surface to the property at which time the CUP may be amended to provide space for additional rental unit parking.

*Commissioners McClean and Nickelson made a motion to approve the Conditional Use Permit for the property of 604 N Silver, with modified conditions listed above with all commissioners voting in favor.*

**Item 4: Consideration and vote to recommend approval for the Final Plat of Hidden Meadows Estates III, by applicant C3 Realty Investments, LLC.**

Assistant City Manager Randi Shannon presented that the final has been reviewed by Wilson and Company, Inc. and the corrective changes have been made to the plat. The Commissioners reviewed said plat. Commissioner Cowman asked if there would be through drives on all of the streets or would any of them be dead ends. Shannon advised they would all be through streets with Redbud Drive ending in a cul-de-sac. Commissioner Nickelson asked how street lighting would be addressed. Shannon advised this would be at Evergy's discretion.

*Commissioners McLean and Scott made a motion to approve the Final Plat of Hidden Meadows Estates III with all commissioners voting in favor.*

**Item 5: Discussion of regulations pertaining to buildable lot sizes.**

Assistant City Manager Randi Shannon presented that the Board of Zoning Appeals was asked to consider a variance to the minimum lot size requirement for a single family home at the January 19, 2021 meeting. Since this meeting staff has had multiple inquiries for the same lot, as well as other lots in town. Our office has received two variance applications by the same developer for the same consideration. With the increase of interest in building on these lots, staff wanted to explore the Commission's thoughts on modifying the regulations. Staff believes that the text could be amended in a way to help promote infill development, but not overcrowding, and help minimize the amount of variances.

Staff is looking for direction from the Planning Commission, therefore no official motion is needed. If general consensus is reached, staff can move forward with the public hearing notifications, and bring text amendment options for consideration to the next regular scheduled meeting.

Commissioner Cowman stated as long as the builder can put in a home that does not violate the City's setback requirements then it should be allowed. Commissioner McLean and Scott both agreed. Commissioner Scott advised that he would like to see consistency in the regulations so that the public knows what is required.

The consensus was to review specifications at the June meeting. Set public hearing for variances.

**Item 6: Discussion of regulations pertaining to residential cluster developments.**

Assistant City Manager Randi Shannon presented that the city has been approached by a developer that is looking to invest in a Planned Cluster Development. This development would

be for tiny homes only. The lot that the developers have in mind for this development is currently in the Thoroughfare Access zoning district. A Single-Family Cluster Development is only permitted in the Estate and Suburban zoning districts. In order to proceed the City will need to amend some of the zoning regulations, and adopt some new language as well.

Staff is looking for direction from the Planning Commission, therefore no official motion is needed. If general consensus is reached, staff can move forward with further discussions, research and bringing possible amendments for consideration.

All Commissioners were in favor of moving forward with researching this possibility. Commissioner McLean stated he would like feedback from the citizens across from the property. Shannon advised this item would be added and open for public input hearings. Commissioner Nickelson asked how the utilities would be set up. City Manager Fleming advised there were a few options and this would be researched further if the Commission wanted to move forward.

The decision was made for staff to proceed with research and discussions with the developer.

**Item 7: Community/Economic Development Director Report**

Assistant City Manager Randi Shannon introduced the new Administrative Assistant for Community Development, Audra Harper and informed the Commission that the City has also employed a new Codes Enforcement Officer, Keith Myers. Shannon informed the Commission that the City has issued 166 building permits, as of today's date, that the Baptiste Extension, and Hedge Lane Project are on schedule, and that the Comprehensive Plan meeting with the Commission and the City Council is to be held on June 9, 2021 at 6PM, in the Paola Fire Station.

**Item 8: Adjournment**

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