

**PLANNING COMMISSION /
BOARD OF ZONING APPEALS
JUNE 20, 2023 MEETING MINUTES**

Commissioners Present: Cowman, Dees, DeGrande, McLean, Maurer, Parks, Upshaw

Commissioners Absent:

Others Present:

Randi Shannon, Jessica Newton - City of Paola

Blake Harris, Taylor H., Melinda Myles - 302 N Oak

Clint Davis - 102 S Hospital Dr

Others - Howard Alfrey, Jackie Eatinger, Justin Elliott, Mike

Welter, Pete Bell, Terry Courtney, Mark Fuchs, Josh Brown,

Christine Kinney, Rob George

Item 1: Pledge of Allegiance.

Item 2: Consideration of minutes from the May 16, 2023 meeting.

Commissioner Cowman called the meeting to order. The next order of business was the consideration and approval of the minutes from the May 16, 2023 meeting.

Commissioner McLean made a motion to approve the May 16, 2023 meeting minutes. The motion was seconded by Commissioner Upshaw. Commissioners Dees and Parks abstained due to absence at the previous meeting, all remaining Commissioners voted in favor.

Item 3: PUBLIC HEARING - Consideration and vote to recommend approval of a Conditional Use Permit for “Commercial, Services” at 302 N Oak, The Haven Properties, applicant.

Commissioner Parks made a motion to open the Public Hearing. The motion was seconded by Commissioner McLean with all Commissioners voting in favor.

Planner Newton presented background information on the property at 302 N Oak. This is a consideration for a Conditional Use Permit (CUP) for an event space including weddings under “Commercial, Services” in the Land Development Ordinance (LDO). The application was submitted by Blake Harris of The Haven Properties, LLC and the property is currently owned by Brady Brothers, LLC. The property at 302 N Oak totals approximately 2.3 acres and is within the NC-R1 zoning district. All events planned for the property will take place inside of the nearly 15,800 sq ft building that is planned to undergo a complete renovation. Applicant has stated the space would accommodate up to 300 guests however maximum occupancy limits would be set by building and/or fire codes. All planned renovations will be reviewed for compliance with the currently adopted building and fire codes. Since the primary use would be for weddings, events would take place mostly on weekends. During events, staff will be onsite

to facilitate operations. There will also be staff present during non-event times for facility maintenance and other event related transactions.

Total parking spaces for the facility will be required to meet off-street parking as required by the LDO due to a “change of use”. A minimum number of ADA spaces will be required with at least one space being van-accessible. Parking facilities will be designed with appropriate vehicular access to streets and be constructed of an all-weather surface, not to include gravel. A loading area shall be provided with adequate off-street truck maneuvering space so as to not disrupt any public street right-of-way. Off-street loading should also be designed so as not to interfere with any fire exits or emergency access to either enter the site or the building.

Exterior lighting is regulated to eliminate spill-over and glare on vehicle operators, pedestrians, and residential uses within proximity to all fixtures. Lighting intended to be used is described as soft lighting on fenced entrance posts and LED parking lot lighting faced in a downward manner. The LDO regulates lighting to protect against both nuisance and hazard aspects of glare or excess light. All lighting will be required to meet lighting standards as described in the LDO.

Prior to permitting for renovations, the applicant will need to secure site plan approval through the Planning Commission and City Council. A site plan will finalized parking, lighting, landscaping, utility and drainage plans. The site plan will be reviewed for compliance with all ordinances of the city by staff and outside reviewers as deemed necessary.

Staff recommendations for approval of the conditional use permit were noted as

1. Event Hours: Sunday through Thursday, 8am to 10pm, Friday, Saturday and Holidays, 8am to 11pm. Music shall cease at least thirty (30) minutes prior to end time to ensure guests leave in a timely manner.
2. All events must take place indoors.
3. No amplified music shall be permitted outdoors.
4. No consumption of alcoholic beverages outdoors.
5. No fireworks (as defined in Article 3 of the Code of the City of Paola, KS).
6. All staff/vendors must obtain applicable licenses as required for food and/or alcohol service.
7. Liability insurance in an amount of no less than \$1 million shall be maintained by the property owner(s) at all times, listing City of Paola as the Certificate Holder.
8. City staff shall have authority to inspect this facility at all times to ensure compliance with all conditions.
9. 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.

Public Comment:

Mike Welter (306 N Walnut) some concerns were addressed in the statement of conditions and has questions regarding traffic flow.

Commissioner DeGrande asked if a traffic study could be conducted for the site plan review. City Manager Randi Shannon stated there is a section in the LDO that could require a traffic study.

Terry Courtney (310 N Walnut) does not think this fits in with the character of the neighborhood and also has concerns with the increase in traffic. Courtney is opposed to the idea of this being 100' from her front door. Courtney also stated the installation of a parking lot would cause drainage issues. Courtney also felt that overnight guests should not be a part of the permit.

Pete Bell (209 N Castle) had questions on the number of people being allowed to stay overnight on the property.

Justin Elliott (307 N Oak) is excited and in favor of the event space. Elliott does have traffic concerns since his street has signage for no parking on one side.

Commissioner McLean made a motion to close the Public Hearing. The motion was seconded by Commissioner DeGrande with all Commissioners voting in favor.

Commissioner Cowman agreed with neighbors there is a traffic challenge but there were also traffic challenges when the building was an active school. Cowman does not see the traffic being a daily issue. Cowman also stated that no matter what the building becomes there will be a traffic concern no matter what.

Commissioner Dees questioned where all the traffic would be parked. Commissioner Cowman answered there would have to be a new parking lot for required off street parking.

Commissioner Parks clarified if the current grassy area would become the new parking lot.

Commissioner Cowman answered that was correct.

Commission DeGrande asked if the new parking lot would require a water study for the site plan process. Planner Newton stated it would be required.

Commissioner McLean asked if the event center was specifically for weddings or if anyone from the public could rent the space. Blake Harris, applicant, stated his existing event space in Louisburg hosts various corporate events and private events other than weddings.

Commissioner Upshaw asked if the event space would include catering. Harris stated that the building would have a prep kitchen only and a list of preferred vendors would be available.

Commissioner Parks asked Harris if he had oversight of the off-site vendors outside of the contracts they would be required to sign. Harris stated the parameters of the vendors contracts would include the conditions by the CUP.

Commissioners McLean asked if breakfast would be provided for the overnight guests. Harris stated they would be responsible for their own breakfast and nothing would be provided onsite.

Commissioner Cowman asked who the overnight accommodations would be for. Harris stated the rooms would be exclusive to the wedding party only. Commissioner Upshaw asked how many nights would be available to book. Harris stated it would available to book the night before the event and the night of the event.

Commissioner Dees asked if Harris envisions being fully booked. Harris stated that his current event space stays fully booked.

Commissioner DeGrande asked if sidewalks would be required to be installed. Planner Newton stated yes, sidewalks would need to be installed.

Commissioner DeGrande made a motion to recommend approval of the Conditional Use Permit for The Lincoln Event Space, The Haven Properties, LLC applicant. The motion was seconded by Commissioner Maurer with all Commissioners voting in favor.

Item 5: PUBLIC HEARING - Consideration and vote to recommend approval of an amendment to a Conditional Use permit for “Heavy Retail and Services” at 102 S Hospital Dr, Paola Auto Care, applicant.

Commissioner McLean made a motion to open the Public Hearing. The motion was seconded by Commissioner Dees with all Commissioners voting in favor.

Planner Newton stated background information for the property at 102 S Hospital Dr. Over recent years, the city has received complaints, mostly regarding the line of sight issues at the intersection of Wea St. and Hospital Dr. Other complaints received have been the number of vehicles stored along the south side of the property in the alley right-of-way, number of inoperable vehicles behind the fence, and intent to repair inoperable vehicles behind the fence. After receiving recent complaints, staff followed up with the applicant to work towards a solution that better serves the growing business along with citizens traveling and residing near the property. Recent noncompliance has included: Condition 3 - any additional parking other than allowed by Conditions 4/7/8/10. Condition 4 - overnight parking is only permitted for two after-hours drop-off spaces and two spaces for display of for-sale automobiles, shall be allowed (in parking spaces along Hospital Dr.). Condition 7 - parking shall not be allowed in

the area 15' south of Wea St and 15' east of Hospital Dr. Condition 8 - all work shall be completed within an enclosed structure, no exterior storage allowed.

Staff recommends approval of the amended CUP with the following conditions:

1. The hours of operations shall be 7:00 am to 7:00 pm, Monday through Saturday.
2. All customer and employee parking shall be located in off-street parking areas.
3. Vehicles being serviced longer than six (6) consecutive days shall be screened from all residential and institutional uses with a 6' fence.
4. No more than six (6) vehicles may be parked overnight (outside of the fenced area) in the parking area along Hospital Dr only.
5. The total number of cars in the fenced area shall be limited to 40. No more than ten (10) inoperable vehicles may be stored no longer than sixty (60) consecutive calendar days.
6. No parking is permitted along the alley right-of-way on the south side of the property.
7. The setbacks of the existing structure at the time of 04-CUP-03 approval are considered lawful.
8. There shall be no additional expansions of the building or parking area.
9. Line of sight at the intersection of Wea St and Hospital Dr shall conform to Figure 11.260 Clear View of Intersecting Streets in the LDO.
10. All major work shall be completed within the enclosed structure. Non-vehicle storage outside of structure and fenced area is prohibited.
11. The height of mature landscaping contained within the sight triangle shall be limited to 12 inches.
12. The CUP shall be limited to heavy auto service and related retail. The CUP shall allow no other use unless otherwise approved by Planning and Zoning.
13. 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.

Public Comment:

Josh Brown (602 E Miami) stated he is a customer of Paola Auto Care and believes that Clint is an asset to the community and provides great work for the community. Brown encourages the Commissioners to help allow a better way for the business to be run.

Steve, Executive Director of Arista Recovery, said his primary concern is access to the growing business that utilizes Miami St. and he would like to see additional upkeep on this street.

Commissioner DeGrande made a motion to close the Public Hearing. The motion was seconded by Commissioner McLean with all Commissioners voting in favor.

Commissioner Dees asked who was parking in the area off the alleyway. Clint Davis stated it was for employee parking and temporary parking of customer vehicles that employees park there during working hours to make space up front. Applicant stated the right-of-way parking off of the alleyway was essential to his business.

Clint Davis asked to clarify the type of work that would be able to be performed outside of the shop. Planner Newton stated work that could be completed in one day would be allowed.

Clint Davis clarified he would like to build a bigger shop and would like to have the condition of no expansions removed.

Commissioners agreed on the following conditions for the amendment of the CUP.

1. The hours of operations shall be 7:00 am to 7:00 pm, Monday through Saturday.
2. All customer and employee parking shall be located in off-street parking areas.
3. Vehicles being serviced longer than six (6) consecutive days shall be screened from all residential and institutional uses with a 6' fence.
4. No more than six (6) vehicles may be parked overnight (outside of the fenced area) in the parking area along Hospital Dr only.
5. The total number of cars in the fenced area shall be limited to adequate parking. No more than ten (10) inoperable vehicles may be stored no longer than sixty (60) consecutive calendar days.
6. No parking is permitted along the alley right-of-way on the south side of the property except for employee parking only with approved signage.
7. The setbacks of the existing structure at the time of 04-CUP-03 approval are considered lawful.
8. Line of sight at the intersection of Wea St and Hospital Dr shall conform to Figure 11.260 Clear View of Intersecting Streets in the LDO.
9. All major work shall be completed within the enclosed structure. Non-vehicle storage outside of structure and fenced area is prohibited.
10. The height of mature landscaping contained within the sight triangle shall be limited to 12 inches.
11. The CUP shall be limited to heavy auto service and related retail. The CUP shall allow no other use unless otherwise approved by Planning and Zoning.
12. 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.

Commissioner Cowman made a motion to recommend approval of an amendment to Conditional Use Permit for "Heavy Retail and Sales" at 102 S Hospital Dr, Paola Auto Care,

applicant with updated conditions. Commissioner Upshaw seconded the motion with all Commissioners voting in favor.

Item 6: Community / Economic Development Director Report

City Planner Newton presented the following:

1. 217 permits year to date
2. Building Inspection
 - a. Scooter's Coffee - underslab and exterior sheathing are the most recent inspections
 - b. Rausch Coleman has sold all inventory
3. July Planning Commission
 - a. Tentatively no agenda items
4. June City Council
 - a. LDO tiny homes update passed
 - b. E&K Diesel CUP amendment passed
 - c. Heatherwood Replat passed
 - d. Paola Crossings Plat and Site Plan passed
 - e. Handicap signage has been installed at ballfields

Item 10: Adjournment

Commissioner Dees made a motion to adjourn. The motion was seconded by Commissioner McLean with all Commissioners voting in favor.