



APPROVED

PLANNING COMMISSION /
BOARD OF ZONING APPEALS
NOVEMBER 18, 2025 MEETING MINUTES

Commissioners Present: Cowman, Maurer, McLean, Dees, Hayes

Commissioners Absent:

Others Present: Mitch Gabbert - City of Paola, Betsy Rush & Alexander Chritel - Pegasus Financial, Inc., Jackie McLean - Paola resident, Pam & Gene Wilson - Wilson's Jewelers, Dan McGhee - Lamp Rynearson

Item 1: **Pledge of Allegiance.**

Item 2: **Consideration of minutes from the October 21, 2025 meeting.**

Commissioner Cowman called the meeting to order. The next order of business was the consideration and approval of the minutes from the October 21, 2025 meeting.

Commissioner McLean made a motion to approve the October 21, 2025 meeting minutes. The motion was seconded by Commissioner Hayes with Commissioners Hayes, McLean, Cowman, Maurer and Dees voting in favor.

Item 3: **Public Hearing** - Consideration and vote to recommend approval of a Conditional Use Permit for "Auto Sales" at 508A Baptiste Dr.

Commissioner McLean made a motion to open the Public Hearing. The motion was seconded by Commissioner Dees with Commissioners Hayes, McLean, Cowman, Maurer and Dees voting in favor.

Zoning Administrator Mitch Gabbert presented background information on the application for a Conditional Use Permit. PCS Automotive is an online auto sales retailer, who would like to move their office location to Paola. As with all auto dealerships in Kansas, even if the sales are completed online, they must have a physical office location to meet the requirements of the Kansas Department of Revenue. This office location at 508A Baptiste Dr. shares a parking lot with Liberty Tax, and is screened from private residential uses by a tree line on the north side of the property. The business owner plans to store a maximum of 3 vehicles on the property while they are in transition from being bought by the business, and being sold to customers.

Zoning Analysis:

A. The proposed use shall be consistent with the Comprehensive Plan's purposes, goals, objectives, and policies, including standards for building and structural intensities and densities, and intensities of use. *The lot is zoned as Thoroughfare Access; which allows for many different types of uses including offices.*

B. The proposed use shall be compatible with the character of land in the immediate vicinity. *Zoning allows for both commercial and residential development. Applicant's lot is next to other commercial developments as well as multi-family residential. Due to the low level of intensity of the proposed use, staff believes it would be acceptable for this property.*

C. The proposed use's design shall minimize adverse effects, including visual impact of the proposed use on adjacent lands. *The design does not include any lighting to disturb surrounding properties. The applicant would like the ability to store 3 vehicles on the property while they are waiting to be sold.*

D. The proposed use shall minimize adverse impacts on the environment, traffic and congestion, infrastructure, or governmental services. *Applicant's proposed use will minimize impacts on all of the above as its main function will be an office.*

Recommendation: Staff recommends this conditional use to be approved with the following conditions:

1. On-site temporary vehicle storage/parking shall be limited to 3 vehicles.
2. All vehicles kept on the property must be in operable condition at all times.
3. A review of compliance shall be made by the Zoning Officer to the Planning Commission one year after issuance. If deemed necessary, subsequent annual reviews may be requested by the Planning Commission. Such reviews are not subject to publication, notification and public hearing requirements. If the applicant is requesting an amendment to the CUP, the notification shall follow the same procedures as the original CUP request.
4. 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 (LDO). 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.

Gabbert reported that the required notifications were sent and that no written or verbal communications have been received.

Public Comments:

Pam Wilson of Wilson Jewelers at 506 Baptiste Drive expressed concerns about maintenance of the property, whether that would be handled by the property owner or car dealer. Wilson also had questions about how the business was run. A representative of the company was present and provided clarification on the business model.

Commissioner McLean made a motion to close the public hearing. It was seconded by Commissioner Maurer with Commissioners Hayes, McLean, Cowman, Maurer and Dees voting in favor.

Commissioner Cowman made a motion to approve the Conditional Use Permit to allow automotive sales at 508A Baptiste Drive with the listed conditions. The motion was seconded by Commissioner Maurer with Commissioners Hayes, McLean, Cowman, Maurer and Dees voting in favor.

Item 3: Consideration and vote to recommend approval of the Final Plat for the Paola Crossing 3rd Plat.

Zoning Administrator Mitch Gabbert presented background information. The Final Plat was completed by Garber Surveying Service, P.A. The original final plat of Paola Crossing included Lot 1 and Lot 2 of the development, which were developed as Casey's and Scooters. The second plat for the development added Lot 3, which was developed into the VA Clinic. This plat will include 1 lot, which is planned to be developed into Les Schwab Tire Center. The development is currently zoned as Thoroughfare Access (TA) which permits a wide range of commercial and residential uses. The proposed use for the lot is Light Auto Services, which requires a minimum of 1 acre. The proposed lot in the Paola Crossing 3rd Plat is 2.2 acres.

Included in the plat is a 50' road right-of-way, which is consistent with the rest of the Paola Crossing development. Existing public and private easements are shown on the plat, as well as a new 10' public utility easement adjacent to the right-of-way. The plat was reviewed by staff, as well as Wilson & Company, with no comments.

Recommendation: Staff recommends approval of the proposed Paola Crossing 3rd Plat.

Commissioner Hayes made a motion to approve the Paola Crossing 3rd Plat, Highlands Paola applicant. Commissioner Dees seconded the motion. Commissioners Hayes, McLean, Cowman, Maurer and Dees voted in favor.

Item 4: Public Hearing: Consideration and vote to recommend approval of a Conditional Use Permit for “Light Auto Service” on Lot 1 of the Paola Crossing 3rd Plat.

Commissioner McLean made a motion to open the public hearing. Commissioner Hayes seconded the motion with Commissioners Hayes, McLean, Cowman, Maurer and Dees voting in favor.

Zoning Administrator Mitch Gabbert presented background information. This is a request for a conditional use permit for Les Schwab Tire Center, a light automotive business, proposed to be built in the Paola Crossings Development. Les Schwab Tire Centers has been in business since 1952, and has over 540 locations throughout the US. Vehicle services performed at Les Schwab include servicing tires, wheels, shocks, brakes, batteries, other automotive components, and performing alignment adjustments. Les Schwab Tire Centers has also applied for final plat approval and final site plan approval for this project.

Zoning Analysis:

Approval of a conditional use application shall be dependent upon findings that the proposed use fully complies with this Ordinance. The applications shall be filed and duly advertised. A public hearing shall be held per this Article's requirements.

Also, the following additional standards shall be met:

- A. The proposed use shall be consistent with the Comprehensive Plan's purposes, goals, objectives, and policies, including standards for building and structural intensities and densities, and intensities of use. *The lot is zoned as Thoroughfare Access, which allows light auto service as a conditional use.*
- B. The proposed use shall be compatible with the character of land in the immediate vicinity. *The area of this development is listed as highway commercial according to the 2022 future land use map. Automotive services is listed as an example of highway commercial use.*
- C. The proposed use's design shall minimize adverse effects, including visual impact of the proposed use on adjacent lands. *The elevations shown on the development plan*

indicate that the building will meet city entrance area standards, therefore minimizing the visual impact on adjacent lands.

D. The proposed use shall minimize adverse impacts on the environment, traffic and congestion, infrastructure, or governmental services. The proposed business includes a detention basin, and an additional shared drive which *will minimize adverse impacts*.

Recommendation: Staff recommends this conditional use to be approved with the following conditions:

1. Lighting shall utilize cut-off fixtures, located to minimize impact on adjoining properties.
2. Any vehicles kept on the property overnight must be in operable condition or stored inside.
3. Applicant shall maintain a contract to have waste parts and/or tires removed on a regular basis.
4. Business hours will be Monday thru Saturday, 8AM-6PM. If more intensive business hours are desired in the future, the applicant may request an amendment to the CUP.
5. All outdoor storage must be enclosed by a 100% opaque fence, and must be approved by the Zoning Administrator.
6. 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 (LDO). 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.

There were no public comments and Mitch Gabbert said he also had not received any written or verbal comments after sending notifications to adjoining landowners.

Commissioner Maurer made a motion to close the public hearing. Commissioner McLean seconded the motion and Commissioners Hayes, McLean, Cowman, Maurer and Dees approved the motion.

Commissioner McLean asked for confirmation that vehicles would not be parked outside overnight. Dan McGhee from Lamp Rynearson reported that the business does light repair service, which typically takes two hours or less. Sometimes a customer may drop off a vehicle the night before or before the shop opens, but they are always operable. They only do work on tires, shocks, etc. Commissioner McLean asked that waste fluids be added to recommended condition #3.

Commissioner Maurer moved to recommend approval of the Conditional Use Permit for Light Auto Service on Lot 1 of the Paola Crossings 3rd Plat with the listed conditions. The motion was seconded by Commissioner Hayes with Commissioners Hayes, McLean, Cowman, Maurer and Dees voting in favor.

Item 5: Consideration and vote to recommend approval of the Final Site Plan for Les Schwab Tire Center.

Background:

This is the final site plan for Les Schwab Tire Center in the Paola Crossing development. The site plan was completed by Lamp Rynearson, and has been reviewed by staff, as well as Wilson & Company, with minimal comments. All engineer comments will be addressed before a building permit is issued for the project.

Analysis:

Minimum Site Area: Required: 1 acre
 Provided: 2.21 acres

Minimum Lot Width: Required: 150 ft
 Provided: 180 ft

Setbacks Required: Street: 25 ft
 Side: 20 ft
 Rear: 20 ft

Setbacks Provided: **Street: 50 ft**
 Side: 26 ft & 52 ft
 Rear: 135 ft

Parking: Required: 28
 Provided: 30 (2 ADA spaces)

Parking Setback: Street: 15 ft
Other: 5 ft
All parking setbacks met

Trash Enclosures: **Shown on site plan**

Landscaping Plan: The submitted landscaping plan meets requirements of the Land Development Ordinance.

Signage Plan: Not provided, to be approved at staff level.

Drainage calculations will be reviewed by Wilson & Company, and must be approved prior to issuance of a building permit.

Staff finds that the application is consistent with section 21.625 of the LDO and that the application will not be detrimental to the health, safety, or general welfare of the community. Staff recommends approval of the Final Site Plan for the Les Schwab Tire Center, with the condition that all engineer comments are satisfied.

Commissioner Cowman asked which side of the building faces Baptiste. Gabbert reported that it would be the side of the building, the back faces the highway. Commissioner McLean asked if the design of the building meets entrance standards, which Gabbert confirmed that it did. McLean also asked about whether they would service semi-trucks because that could cause some congestion in the area. Dan McGhee from Lamp Rynearson clarified that the shop does service RVs and trailers, but that semis are not a primary customer. He did clarify the site plan does take into consideration the movement of delivery trucks. Commissioner Dees asked if there was concern about traffic congestion in the area. Gabbert reported that the Police Department has not expressed a concern about the movement of traffic in Paola Crossings. Commissioner Hayes questioned the path semi-trucks would take and whether it needed to be addressed in terms of road maintenance and traffic. Gabbert suggested those issues, if occurring, would initially be addressed between the neighboring businesses.

Commissioner Maurer made a motion to approve the Final Site Plan for the Les Schwab Tire Center on lot 1 of the Paola Crossing 3rd Plat. Commissioner Hayes provided the second with Commissioners Hayes, McLean, Cowman, Maurer and Dees voting in favor.

Item 7: Community / Economic Development Director Report.

Zoning Administrator Gabbert presented the following information:

1. Permits year to date = 510
 - a. 2 new single family home permits since the October meeting
2. General
 - a. 2 house fires in the last month, working with insurance companies to determine if they will be demolished or rehabilitated
 - b. All for Moms Thrift Store to open at 211 N Silver, operated by a nonprofit organization that will offer items like diapers for low income families
 - c. 110 E Peoria resubmitted their CBDG application
 - d. Public Works applied for a High Risk Urban Roads grant to receive bigger stop signs and more reflective stop bar material
 - e. The City of Paola is now maintaining the listings of available properties for development on the LOIS website
 - f. MARC Planning Director Luncheon - public transportation was the primary topic
3. City Council
 - a. Approved the SS4A Transportation Safety Action Plan
 - b. Approved the Kodion Preliminary Site Plan
4. December Planning Commission
 - a. Site Plan for LSX Construction shop addition

Item 8: Adjournment

Commissioner McLean made a motion to adjourn. The motion was seconded by Commissioner Maurer, with Commissioners Hayes, McLean, Cowman, Maurer and Dees voting in favor.