



**MINUTES OF THE PLANNING COMMISSION MEETING
PLANNING COMMISSION / BOARD OF ZONING APPEALS
SEPTEMBER 25, 2019**

Commissioners Present: Hardwick, McLean, Pritchard, Scott
Commissioners Absent: Cowman, Pfefferkorn
Others Present: Jay Wieland, Jessica Shay-Howell, Norlene Medlin, Vern & Eunice Huller, Conice Donahy, Alan Hire, Don Morris

Item 1: Pledge of Allegiance

Item 2: Consideration of minutes from the August 20, 2019 meeting

Commissioner McLean called the meeting to order. The first order of business was the consideration of the minutes from the August 20, 2019 meeting.

Commissioners Pritchard and Scott made a motion to approve the minutes from the August 20, 2019 meeting with all Commissioners voting in favor.

Item 3: Consideration and vote on a variance to Section 3.315 Agriculture Support Services, regarding requirement of minimum lot size of three (3) acres, 2 Holly Lane, Aaron Stohs, applicant.

City Manager, Jay Wieland, informed the Planning Commission that under Section 21-153 of the City of Paola Land Development Ordinance the applicant has the right to withdraw an application prior to the decision making body's decision on the application. Notification was received that the application was withdrawn. The applicant is no longer the buyer of 2 Holly Lane. At this point in time the Planning Commission takes no action other than make an official record that the applicant stands withdrawn.

Commissioner McLean asked the public in attendance if there were any questions.

Don Morris stated he was concerned about the veterinary clinic that was planned to go in to 2 Holly Lane. Mr. Morris owns the building next door that houses the VA Clinic (to the north), would have shared a parking lot with the proposed veterinary clinic and space would have constricted with trucks pulling trailers bringing in large animals. Mr. Morris would like the process for notifying property owners about a Public Hearing to be looked at and changed so that owners are properly notified. The VA Clinic doesn't have to stay at his building in Paola and potentially allowing the veterinary clinic to open next door would have been an inconvenience to the Veterans who are patients at the VA Clinic.

City Manager, Jay Wieland, stated procedure was discussed and followed up with the City Attorney and the City of Paola will go back to previous property owner search procedures where ownership lists will be completed by a title company. Under state law, if a party does not receive notification it does not invalidate the action as long as a good faith effort was made to notify the owner. In Kansas, an appeal of the Board of Zoning Appeals would go to Kansas District Court; there is no other administrative remedy.

Don Morris stated he appreciated City Manager Jay Wieland's comments and clarifications. He also suggested that for this circumstance and to avoid future problems a variance application should have to submit for building and site review first.

City Manager, Jay Wieland, said state law for variances is very strict and the application has to meet all of the criteria prior to approval and this application did not do that.

Alan Hire said if a site plan was submitted then it would be seen that there was no room and there would be issues with waste disposal.

Item 4: Community/Economic Development Director Report

Permit totals to date are:

- September = 36
- 2019 = 377

Next scheduled meeting October 15, 2019

Item 5: Adjournment

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