



## **AGENDA**

### **Paola Planning Commission/ Board of Zoning Appeals**

#### **To be held via YouTube**

[https://www.youtube.com/channel/UCEIqDJzXV\\_XvXznUfKQomw/featured?view\\_as=subscriber](https://www.youtube.com/channel/UCEIqDJzXV_XvXznUfKQomw/featured?view_as=subscriber)

**Tuesday, September 21, 2021 - 5:00 PM.**

1. Pledge of Allegiance.
2. Approval of the minutes from the July 20, 2021 meeting.
3. Consideration and vote on the recommendation of Final Plat of Calico Court, a replat of Lot 1, Parcel 2 of Revised Final Development Plan of Indian Hills, Legacy Properties & Development, LLC, 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**

**OCTOBER 19 , 2021**



**MINUTES OF THE  
PLANNING COMMISSION MEETING  
PLANNING COMMISSION /  
BOARD OF ZONING APPEALS  
JULY 20, 2021**

**Commissioners Present:** Cowman, Scott, Nickelson, Newton  
**Commissioners Absent:** Pfefferkorn, McLean, Pritchard  
**Others Present:** Assistant City Manager Randi Shannon, Seth Dubinick

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**Item 1: Pledge of Allegiance**

**Item 2: Consideration of minutes from the June 15, 2021 meeting**

Commissioner Cowman called the meeting to order. The first order of business was the consideration and approval of the minutes from the June 15, 2021 meeting.

*Commissioner Cowman made a motion to approve the minutes from the June 15, 2021 meeting, Commissioner Nickelson made a second motion. All Commissioners voted in favor with Commissioner Scott abstaining due not being present at the June 15, 2021 meeting.*

**Item 3: Public Hearing: Consideration and vote on text amendments to the Land Development Ordinance pertaining to buildable residential lot sizes.**

*Commissioners Newton and Scott made a motion to open a public hearing with all Commissioners voting in favor.*

Assistant City Manager Randi Shannon presented that at the meeting on May 19, 2021 the Planning Commission discussed the current building lot size regulations and gave Shannon the direction to research some proposed language that was reviewed and discussed at the June 15, 2021 meeting, which led to the Public Hearing.

The original text from the LDO states that lots platted prior to 1983 shall have a minimum lot area of 6,000 square feet; lots platted after the year 1983 shall have a minimum lot area of 8,500 square feet.

The suggested language is that the minimum lot area requirements of 6,000 square feet, for lots platted prior to 1983, may be waived for residential use if the following conditions are met per staff review and approval.

A.) Applicant must submit a certified plot plan for staff review before permit application can be submitted and approved.

B.) Plot plan shall comply with the setback requirements stated in Article 4 of the Land Development Ordinance.

C.) The combined square footage of the principal structure, detached garage, and storage/utility shed shall not exceed the maximum building coverage in Table 04.110A Use and Lot Standards. Where no maximum building coverage is provided, the combined structures shall not cover more than 70% of the lot area.

D.) The primary residential dwelling shall comply with Section 15.525 SINGLE FAMILY RESIDENTIAL DESIGN STANDARDS.

E.) The primary residential dwelling shall comply with the building code requirements adopted by the Paola Municipal Code.

The Land Development Ordinance also has a section which is a standard for ordinance text amendments.

In acting upon a text amendment the Planning Commission and Council shall consider whether the proposed amendment:

A. Would implement a new portion of the Comprehensive Plan or amendment.

B. Would implement and better achieve the Comprehensive Plan's goals and objectives that have proved difficult to achieve under the Ordinance's existing provisions.

C. This Ordinance's provisions were inconsistent or unreasonable in light of standards for similar uses.

D. Is necessary to respond to State and/or federal legislation.

E. Provides additional flexibility in meeting this Ordinance's objectives without lowering the Ordinance's general standards.

F. Addresses a new use(s), changing conditions, and/or clarifies existing language.

G. Clarifies the Ordinance or makes adjustments to account for interpretations

After review, the text amendment would address the following sections.

B. This new language would promote new residential development and provide a more diverse housing stock for the City.

E. It would provide more flexibility by allowing Staff to do the initial review but still implementing the original intention of the LDO standards.

G. It would clarify the regulations and allow for more consistency in the review and permitting process for residential development.

Commissioner Cowman asked if anyone from the public wanted to speak in regards to this matter. There were no members of the public that chose to speak. Commissioner Cowman asked if the City received any written communications in regards to this matter. Shannon advised that the City did not.

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

Commissioner Scott thanked Shannon and staff for addressing and clarifying this matter. He asked if there was a way to keep each new request for special lot size from having to go through a special hearing. Shannon advised that this would be the case due to the ability to have Staff review and approve. In the case that a request is denied the request can come before the Commissioners for a variance hearing.

Commissioner Scott asked if this text amendment change was discussed with the Comprehensive Plan Committee. Shannon advised that it was discussed and the committee is in favor.

*Commissioners Scott and Newton made a motion to approve the text amendments to the Land Development Ordinance pertaining to buildable residential lot sizes with all commissioners voting in favor.*

**Item 4: Community/Economic Development Director Report**

Assistant City Manager Randi Shannon informed the Commission that the City has issued 261 building permits so far this year, the Baptiste Extension and Hedge Lane Project are back on schedule after being shortly delayed by the rain and are looking at finishing by early or mid-August, the Comprehensive Plan is still underway, the public engagement workshop was held in June and the advisory committee met last week to go over some of the initial feedback received from the workshop and the online portal, the City had a booth at the farmer's market last weekend to help promote the Comprehensive Plan and the City is also putting the QR code and synopsis on the back of the pool passes that will be handed out by Council at the parade next week, the new City logo is on all of the City trucks, Shannon advised she will be on vacation next week but they can contact City Manager Sid Fleming or Administrative Assistant Audra Harper with any questions.

Commissioner Scott asked if the City was receiving a good response from the citizens in regards to the Comprehensive Plan. Shannon advised that 65 people have responded so far and there are quite a few citizens engaging on the interactive map. Vision boards have been placed at the pool and library and are helping with the public engagement. Commissioner Nickelson asked if all Miami County residents were able to include their feedback and Shannon responded that they are. Shannon advised that at the local workshop 20 citizens showed up in person. Commissioner Newton asked if the Hedge Lane project was going to be finished before school started. Shannon advised that they will be finished before school starts.

**Item 7: Adjournment**

*Commissioners Newton and Nickelson made a motion to adjourn with all Commissioners voting in favor.*

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**SUBJECT:** Final Plat of Calico Court (Replat of Lot 1, Parcel 2 Indian Hills)  
**CONTACT:** Randi Shannon, Assistant City Manager  
**DATE:** September 21, 2021

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**Introduction:**

Case Number: 21-PLAT-03

Applicant: Legacy Properties & Development, LLC - Rob George

Subject Property: Lot 1, Parcel 2 of Revised Final Plat of Indian Hills

Zoning: Thoroughfare Access (TA)

**Background:**

This parcel is approximately 2.88 acres. Applicant is looking to split the parcel into five (5) separate lots. Lots 2-5 are intended for residential development. The minimum lot size requirement for residential lots in the TA district is 8,500 square feet. The smallest proposed lot size (Lot 4) is 12,269 square feet.

Although there are not finite plans for Lot 1, with the lot size of 1.66 acres, it is possible for residential development as well as some commercial development. If a commercial project is to be developed the applicant will have to submit a site plan for Planning Commission's review.

The plat was done by Allenbrand-Drews & Associates, Inc. There is a 25ft build line around the property, as well as the required 10ft utility easements. The proposed sewer extensions are shown on the second page of the plat. The extensions are within the 25ft building line, and plans for the extensions will be submitted and approved by our Public Works Director Kirk Rees as the development progresses.

**Discussion:**

Does the Planning Commission wish to recommend approval of the proposed Final Plat of Calico Court.

**Action:**

The Planning Commission may take action by majority vote of the members present.

**Motion:**

I recommend approval of the Final Plat of Calico Court.

FINAL PLAT  
OF  
**CALICO COURT**  
A REPLAT OF LOT 1, PARCEL 2 OF  
REVISED FINAL DEVELOPMENT PLAN/PLAT  
INDIAN HILLS OF PAOLA  
CITY OF PAOLA,  
MIAMI COUNTY, KANSAS

MISSOURI PACIFIC RAILROAD RIGHT-OF-WAY

ERROR OF CLOSURE

Perimeter: 1529.99' Area: 128187.13 Sq. Ft.  
Error Closure: 0.0025 Course: N2°26'20"E  
Error North: 0.00250 East: 0.00011

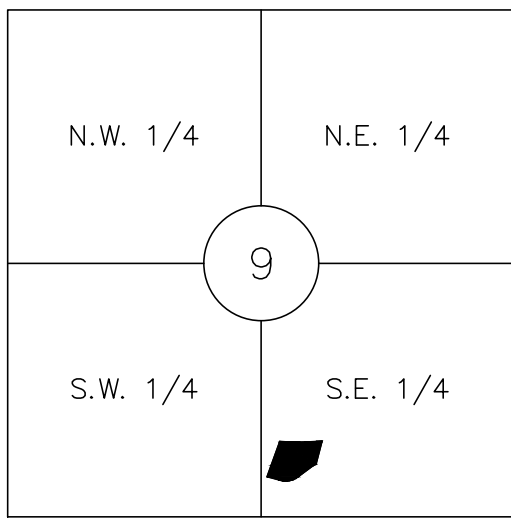
Precision 1: 611100.00

NOTES:

- Subject property lies outside of the 100-year floodplain per FEMA FIRM Number 20121C0178D, revised January 16, 2014.
- Basis of Bearings: Revised Final Development Plan/Plat Indian Hills of Paola.

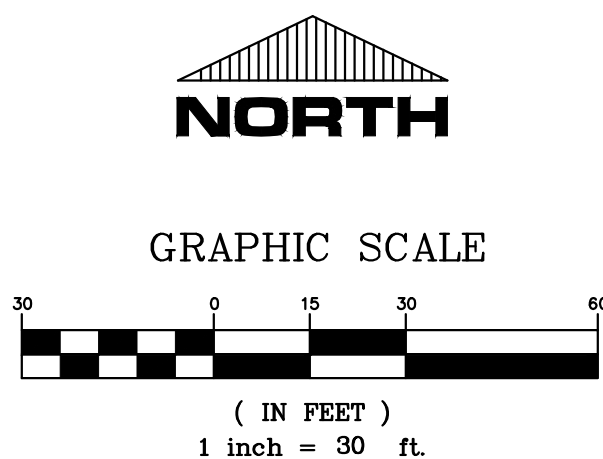
LEGEND

- BAR FOUND AS DESCRIBED
- ⊙ SET ½" X 24" REBAR WITH PLASTIC KS CLS 93 CAP
- B/L BUILDING LINE
- R/W RIGHT-OF-WAY
- U/E UTILITY EASEMENT

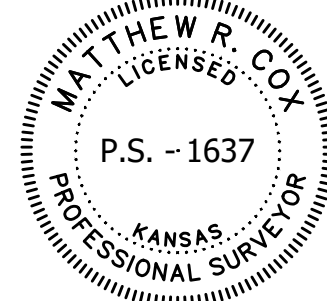


VICINITY MAP  
SCALE: 1" = 2000'

PROJECT LOCATION  
SECTION 9-17-23



THIS IS TO CERTIFY THAT ON THE 19TH DAY OF AUGUST 2021, THIS FIELD SURVEY WAS COMPLETED ON THE GROUND BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.A.R. 66-12-1.



LEGAL DESCRIPTION

This is a resurvey and resubdivision of Lot 1, Parcel 2, Revised Final Development Plan/Plat Indian Hills of Paola, a subdivision of land in the City of Paola, Miami County, Kansas.

The undersigned proprietors to the above described tract of land have caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "CALICO COURT".

DEDICATION

An easement is hereby granted to the City of Paola, Miami County, Kansas, to enter upon, construct, maintain, use, and authorize the location of conduits for providing water, gas, cable, electric, sewers, and other utility services, including related facilities and appurtenances thereto, upon, over, under, and across those areas outlined and designated on this plat as "Utility Easement" or "U/E", and further, subject to administration and regulation by the City, the subordinate use of such areas by other governmental entities and utilities, franchised or authorized to do business in the City of Paola.

CONSENT TO LEVY

The undersigned proprietor of the above described land hereby consents and agrees that the governing body of any special assessment district shall have the power to release such land proposed to be dedicated for streets and roads, or parts thereof, for public use, from the lien and effect of any special assessments, and that the amount of the unpaid special assessments on such land dedicated, shall become and remain a lien on the remainder of this land fronting or abutting on such dedicated road or street.

EXECUTION

IN TESTIMONY WHEREOF, LEGACY PROPERTIES & DEVELOPMENT, LLC, has caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

LEGACY PROPERTIES & DEVELOPMENT, LLC

By: \_\_\_\_\_  
Robert S. George, Managing Member

ACKNOWLEDGEMENT

STATE OF KANSAS )  
COUNTY OF MIAMI ) SS:

BE IT REMEMBERED that on this \_\_\_\_\_ day of \_\_\_\_\_ 2021, before me, the undersigned, a Notary Public in and for said County and State, came Robert S. George, Managing Member of Legacy Properties & Development, LLC, personally known to be such persons who executed the within instrument, and such persons duly acknowledged the execution of the same to be the act and deed of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Notary Public \_\_\_\_\_ My Appointment Expires \_\_\_\_\_

APPROVALS

APPROVED BY the Planning Commission of the City of Paola, Miami County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

Steve Cowman, Chairman \_\_\_\_\_ Attest \_\_\_\_\_  
Secretary

APPROVED BY and lands dedicated for public purposes accepted hereby the Governing Body of the City of Paola, Miami County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

Artie Stuteville, Mayor \_\_\_\_\_ Attest \_\_\_\_\_  
Stephanie Marler, City Clerk

Certificate of the County Treasurer

State of Kansas )  
County of Miami ) SS

I hereby certify that all taxes due and owed are paid to date on land included in this plat under my hand and seal at Paola, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

By: \_\_\_\_\_  
Jennie Fyock, County Treasurer

Certificate of Filing

State of Kansas )  
County of Miami ) SS

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 2021, at \_\_\_\_\_ o'clock \_\_\_\_\_ m. at  
book \_\_\_\_\_, page \_\_\_\_\_, Paola, Miami County, Kansas.

Slide Number \_\_\_\_\_

By: \_\_\_\_\_  
Katie Forck, Registrar  
Register of Deeds Office  
Miami County, Kansas

County Surveyor

This survey has been reviewed and approved for filing, pursuant to K.S.A. 58-2003, 58-2005, 58-2011 and K.A.R. 66-12-1 for content only and is compliant with this act. No other warranties are extended or implied.

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Richard A. Weiss, KS. LS - 1216

CALICO COURT

CIVIL ENGINEERS  
LAND SURVEYORS - LAND PLANNERS



122 N. WATER STREET  
OLATHE, KANSAS 66061  
PHONE: (913) 764-1076  
FAX: (913) 764-8635

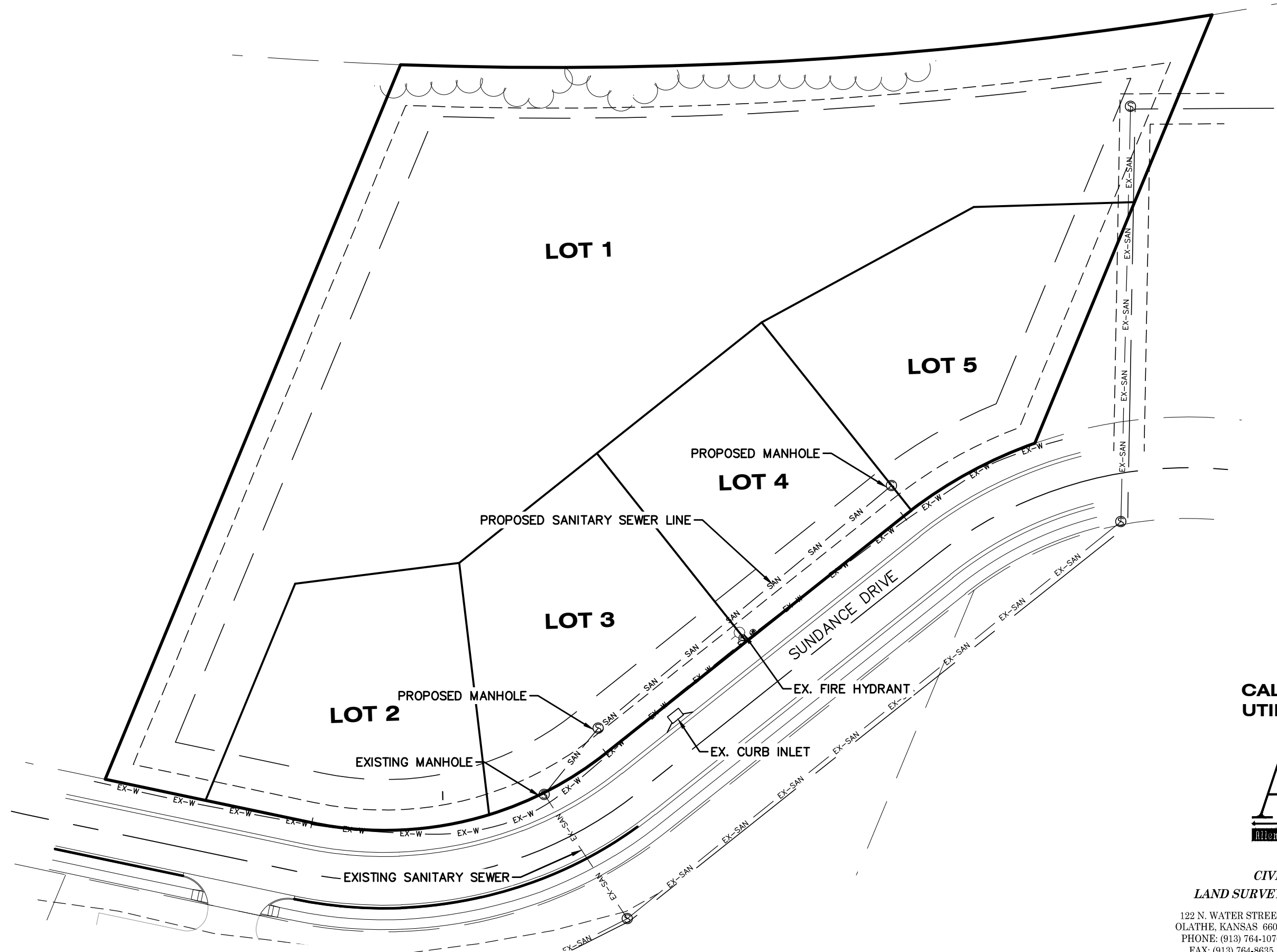
14 W. PEORIA  
PAOLA, KANSAS 66071  
PHONE: (913) 557-1076  
FAX: (913) 557-6904

AD PROJECT #36167

9-17-23

FINAL PLAT

T:\DRAWINGS\_36000\36167 Legacy Contractors San Plans\36167 Calc.dwg Scale=1:0 Drawn August 19, 2021 - 4:16pm By Matt



**CALICO COURT  
UTILITY EXHIBIT**



**CIVIL ENGINEERS  
LAND SURVEYORS - LAND PLANNERS**

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