



**MINUTES OF THE
PLANNING COMMISSION MEETING
PLANNING COMMISSION /
BOARD OF ZONING APPEALS
JANUARY 18, 2022**

Commissioners Present: Cowman, McLean, Scott, Nickelson

Commissioners Absent: Pfefferkorn, Newton, DeGrande

Others Present: Audra Harper, Brian McCauley, Jeff Laubach, Steve Warger

Item 1: Pledge of Allegiance.

Item 2: Introduction of Luke DeGrande to the Paola Planning Commission.

Acting City Manager Randi Shannon welcomed Luke DeGrande to the Planning Commission. He will be finishing the remainder of Commissioner Prtichard's term who has officially resigned.

Item 3: Consideration of minutes from the November 16, 2021 meeting.

Commissioner Cowman called the meeting to order. The first order of business was the consideration and approval of the minutes from the September 16, 2021 meeting.

Commissioner McLean made a motion to approve the minutes from the September 16, 2021 meeting with the deletion of "Public Hearing" from Item 3 of the minutes, Commissioner Cowman made a second motion. All Commissioners voted in favor with Commissioner Nickelson abstaining due not being present at the November 16, 2021 meeting.

Item 4: Consideration and vote on the recommendation of a Final Plat for Paola Crossings, Highlands Paola, LLC, Applicant.

Manager Shannon presented that the Final Plat was done by R.L. Buford & Associates, LLC. The final plat includes Lot 1 and Lot 2 of the development. The development is currently zoned as Thoroughfare Access (TA) which permits a wide range of commercial and residential uses. The two proposed uses for these lots are commercial developments. The minimum site area for a commercial lot in the TA zoning district is 1 acre. Lot 1 is proposed 1.76 acres, and lot two is proposed to be .64 acres. According to the Land Development Ordinance (LDO) a commercial lot may be smaller than the minimum lot requirements if there is an additional 5% open space. Staff would need to ensure this is enforced during the site plan process for Lot 2.

There is a 25 ft building line that frontage along the frontage of each lot, as well and a 25 ft utility easement. The plat also shows the existing 20 ft sewer easement running along the west side of the entire development. The macro drainage plan has been submitted and reviewed by Wilson and Company. There are still review comments that the developer and engineer are working through.

Commissioner Scott brought up his concerns on the drainage coming from the development. Steve Warger on behalf of the applicant stated that the micro drainage plan for the development has been submitted and reviewed by Wilson and Company on behalf of the City. Mr. Warger explained that as the development increases, the goal is to keep the net amount of stormwater runoff that is currently going through the existing drainage system the same.

Commissioner Nickelson questioned if there were going to be any sidewalks as part of the development and if there was going to be a right-in right-out for the development. Manager Shannon stated that sidewalks will be built according to City standards. Mr. Wargar confirmed that KDOT has approved a right-in right-out turn lane for the development as it progresses.

Commissioners Nickelson and McLean made a motion to recommend approval of the Final Plat for Paola Crossings, Highlands Paola, LLC, with all Commissioners voting in favor.

Item 5: Consideration and vote on the recommendation of a Final Site Plan for Paola Crossings, Lot 1, Casey's Retail Company, Applicant.

Manager Shannon presented that this parcel is approximately 2.08 acres. The site plan was done by SBB Engineering. The proposed use is for a Casey General Store, a convenience store with fuel sales. The building will be single story, with a gross square footage of 4,206 square feet. Wilson and Company has reviewed the site plan and on-site drainage calculations. The minimum setbacks, parking setbacks, ADA parking requirements are met. A signage plan has already been submitted for staff review. The landscaping plan will come later as construction is underway for staff review and approval. Jeff Laubach from SBB Engineering on behalf of the applicant presented the site plan and was able to answer any questions.

Commissioners McLean and Nickelson made a motion to recommend approval of the Final Site Plan for Paola Crossings, Lot 1, Casey's Retail Company, with all Commissioners voting in favor.

Item 6: Public Hearing: Consideration and vote on the recommendation for a Conditional Use Permit (CUP) for Casey's General Store, Casey's Retail Company, Applicant.

Commissioners Cowman and McLean made a motion to open the public hearing, with all Commissioners voting in favor.

Manager Shannon presented the background of lot 1, of Paola Crossing. This parcel is approximately 2.08 acres. The site plan was done by SBB Engineering. The proposed use is for a Casey General Store, a convenience store with fuel sales. The building will be single story, with a gross square footage of 4,206 square feet. With Thoroughfare Access zoning allowing for both commercial and residential development, the intention was to allow this type of use, but to minimize the possible negative impacts on neighboring properties.

The Commissioners reviewed Section 21.220 of the Paola Land Development Ordinance, which provides the criteria to evaluate the suitability of a conditional use as follows:

- 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.
- B. The proposed use shall be compatible with the character of land in the immediate vicinity.
- C. The proposed use's design shall minimize adverse effects, including visual impact of the proposed use on adjacent lands.
- D. The proposed use shall minimize adverse impacts on the environment, traffic and congestion, infrastructure, or governmental services.

Commissioners then reviewed Section 21.222 of the Paola Land Development Ordinance which provides the rationale for imposing any conditions as follows:

- A. Ensure the conditional use is developed exactly as presented in drawings, exhibits, and assertions made at the hearings.
- B. Limit uses, reduce density, increase open space, landscaped surfaces, or environmental protection to ensure it meets the standards by which it is approved (Section 21.220).
- C. Limit the length of time a use may exist, or to provide for periodic review of the appropriateness of the use, or provide for elimination of the use.
- D. Impose conditions that ensure the general purposes, goals, and objectives of the Comprehensive Plan and this Ordinance are met.
- E. Prevent or minimize adverse effects from the proposed use and development on other properties in the neighborhood and on the public health, safety, and welfare.
- F. All conditions and restrictions shall be written and given to the developer within 14 days of approval. The developer shall submit a written statement agreeing to the approval and all conditions within 14 days. If no agreement is offered, the applications shall be considered denied.

Base on the criteria from Section 21.220 and 21.222 staff recommend the following conditions.

- 1.) Lighting shall have all cut-off fixtures located to minimize impact on adjoining properties consistent with the regulations in the Paola Land Development Ordinance.
- 2.) 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.

There were no comments from the public. Commissioners Cowman and McLean made a motion to close the public hearing, with all Commissioners voting in favor.

Commissioners discussed if there would be any designated diesel pumping stations, if there are any concerns with the increased truck traffic, and inquired if Casey's will be closing any of its current locations.

Jeff Laubach with SBB stated that there will not be any specifically designated pumping stations for diesel only, but there will be diesel acceptable ones located on the end of the pumping stations for easier access for larger trucks. Commissioner Nickelson stated that the addition of the right turn lane at Hedge lane and Baptiste Dr. should help with the truck traffic. Manager Shannon told the commissioners that Casey's has not yet informed the City of their plans with the existing stores moving forward.

Commissioners Cowman and Scott made a motion to recommend approval of the Conditional Use Permit (CUP) for Casey's General Store, Casey's Retail Company, Applicant. With all Commissioners voting in favor.

Item 7: Economic Development Director's Report

Manager Shannon presented the following:

Due to not having a meeting in December, acknowledging the new City Council members. Kathey Peckman for Ward #3 and Leigh House elected as Mayor.

The City of Paola and USD #368 have taken the steps to start the new joint recreation commission. The City has appointed Aaron Nickelson and Tate Schumard for the City board appointments.

City Manager City Fleming resigned in December.

The City is issuing Temporary Notes to start the initial engineering phase for the following CIP projects:

- Paola Family Pool renovations
- Lake Miola Dam Repair
- Wallace Park Improvements

The building inspection department has issued 472 building permits for the 2021 years. Commissioner Nickelson inquired how many builders used the New Single Family Housing Incentive Program, with Shannon responding with 10 new houses.

Item 8: Adjournment

Commissioners Cowman and Mclean made a motion to adjourn with all Commissioners voting in favor.