



MINUTES OF THE
PLANNING COMMISSION MEETING
PLANNING COMMISSION /
BOARD OF ZONING APPEALS
MARCH 15, 2022

Commissioners Present: Cowman, McLean, Newton, DeGrande, Scott
Commissioners Absent: Pfefferkorn
Others Present: Nick Ewing with Sullivan Palmer Architects, others

Item 1: Pledge of Allegiance.

Item 2: Consideration of minutes from the January 18, 2022 meeting.

Commissioner Cowman called the meeting to order. The first order of business was the consideration and approval of the minutes from the January 18, 2022 meeting.

Commissioner McLean made a motion to approve the minutes from the January 18, 2022 meeting, Commissioner Cowman made a second motion. All Commissioners voted in favor. Commissioners DeGrande and Newton abstained due not being present at the January 18, 2022 meeting.

Item 3: Public Hearing: Consideration and vote to approve a Variance for 602 N Pearl St, El Potro Mexican Cafe, LLC., Applicant.

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

Manager Shannon stated that there were no written comments submitted from the public in regards to the public hearing. Mr. Battista, owner of 3 W 4th Street requested to see the application documents for information purposes and express no opposition to the proposed project or variance.

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

Manager Shannon presented El Potro proposes to replace the existing patio deck with a new 1,236 square foot building addition. The new addition will extend beyond the existing 25ft building setback requirements by 12' - 5". The addition will allow more tables for year round service, as well as a carryout window for online and call-in orders. The window will be located at the back of the building.

One parallel parking space located on the south side of the current patio will be lost but the parking requirements will still be met. The Land Development Ordinance requires 9 spaces per 1,000 square feet for a restaurant in the TA zoning district. El Potro requires 47 spaces, and will provide 53.

The Commissioner reviewed SECTION 21.251 STANDARDS FOR VARIANCES To approve a variance, the Board of Zoning Appeals shall apply the following standards:

- A. Under no conditions shall a variance permit a use that is not otherwise permitted in the district. The applicant shall be instructed to submit a zoning change request (Section 21.210) or a beneficial use appeal (Division 21.400), which are the only ways such a change of use may occur.
- B. Special circumstances or conditions exist peculiar to the land or building for which the variance is sought that do not apply generally to lots, land, or buildings in the neighborhood.
- C. The special circumstances and conditions have not resulted from any act of the applicant subsequent to this Ordinance's adoption.
- D. The special circumstances and conditions are such that strict application of this Ordinance's provisions would deprive the applicant of the reasonable use of the land or building.
- E. Granting the variance is necessary to relieve the applicant of an unnecessary hardship imposed by the regulations.
- F. The variance granted is the minimum necessary to relieve the unnecessary hardship and permit a reasonable use of the land.
- G. Granting the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise not detrimental to the public welfare.
- H. Granting the variance is in harmony with this Ordinance's purposes and intent.
- I. Granting the variance is not inconsistent with the Comprehensive Plan.

The Commissioners also reviewed SECTION 21.252 CONDITIONS AND RESTRICTIONS ON VARIATIONS which states:

In approving the application for any variance, the Board of Zoning Appeals may impose additional restrictions and conditions on such approval. Restrictions and conditions may be limits on the use of the property, the standards for locating the use, standards for mitigating the impact on adjoining property owners who would lose protection as a result of permitting the variance, or standards to protect the general health, safety, and welfare.

Commissioner Cowman reiterated that the new addition was replacing the existing deck, and was confirmed by Mrs. Shannon and Mr. Nick Ewing. Commissioner DeGrande asked if there will be access to drive around the building to access the new pick up window. This was also confirmed by Mrs. Shannon and Mr. Nick Ewing. Commissioner Newton asked if there were concerns about the amount of stacking spaces for the window. Mrs. Shannon stated that due to the fact that the patrons are just picking up and

not ordering it should not be an issue, and that there is enough stacking room for spaces. Commissioner McLean asked if the owners still had permission from Pearl Street Baptiste Church to utilize their parking lot for overflow parking. Nick Ewing and the owners present reassured that it was still a positive and working relationship between the business and the church for the parking. Mrs. Shannon stated that the staggered hours of operation between the church and the restaurant helped with the agreement.

Commissioners Newton and Cowman made a motion to approve the variance to the minimum street setback requirements for 602 N Pearl St., with the condition of the final site plan approved by the Paola City Council, with all Commissioners voting in favor.

Item 4: Consideration and vote on the recommendation of a Final Site Plan for 602 N Pearl St, El Potro Mexican Cafe, LLC., Applicant.

Mrs. Shannon presented that the parcel is approximately 35,422 square feet. The site plan was done by Nick Ewing with Sullivan Palmer Architects. The proposed site plan shows the existing building is 3,945 square feet, with an addition of 1,236 square feet. The max occupancy for this restaurant is 99, and the new addition would add 70 with a total of 169 max occupancy.

Replacing the existing deck with the addition will allow for the restaurant more tables year round, and will also accommodate the addition of a pick up window for togo orders. The provided elevations show that the addition will have new stone wainscot and stucco finishes to match the existing building. On the south elevation is where you will find the new window for pick up orders.

There were no onsite drainage calculations provided. Staff would recommend onsite calculation be provided for staff review.

Commissioner Newton inquired if a lighting plan would be required for the exterior wall sconce lighting and if both of the new doors will allow for emergency egress. Mrs. Shannon said that a lighting plan for the sconces would not be required and Mr. Ewing confirmed that the doors will be used for emergency egress per the occupancy limit. Commissioner McLean brought up the possible parking issues. Mrs. Shannon stated that they exceed the parking requirements per the Land Development Ordinance.

Commissioners Cowman and McLean made a motion to recommend approval of the Final Site Plan for 602 N Pearl St, with the condition that the applicant submits on site drainage calculations for review and staff approval. All Commissioners voted in favor.

Item 5: Community/ Economic Development Director Report

Item 7: Economic Development Director's Report

Manager Shannon presented the following:

The next open house for the Paola Comprehensive Plan will be on March 24th, from 4:00PM to 7:00PM at the Paola Fire Station Gym.

On March 29th there will be a joint Planning Commission and City Council meeting at 6:00PM at the Paola Fire Station Training room to discuss the proposed final draft of the Paola Comprehensive Plan.

The first Public Hearing for the Comprehensive Plan final draft will take place at the Planning Commission meeting on April 19th.

Rausch Coleman Homes has purchased 38 lots which will complete both the Indian Hills, and Hidden Meadows Developments.

Kwikom has partnered with the City of Paola to submit an application for the Broadband Acceleration Grant 2.0 from the Kansas Department of Commerce and Broadband. Communities that will be awarded the grant will be notified by middle of May.

Item 8: Adjournment

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