



PLANNING COMMISSION /  
BOARD OF ZONING APPEALS  
JULY 19, 2022 MEETING MINUTES

**Commissioners Present:** Cowman, DeGrande, McLean, Nickelson, Parks

**Commissioners Absent:** Scott

**Others Present:** Jessica Newton, Kelci Younger, Tommy Morris, Jayme Morris

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**Item 1: Pledge of Allegiance.**

**Item 2: Consideration of minutes from the June 21, 2022 meeting.**

Commissioner Cowman called the meeting to order. The first order of business was the consideration and approval of the minutes from the June 21, 2022 meeting.

*Commissioners McLean and DeGrande made a motion to approve the minutes from the June 21, 2022 meeting with all Commissioners voting in favor. Commissioner Nickelson abstained due to not being present at the June 21, 2022 meeting.*

**Item 3: Public Hearing: Consideration and vote to approve a Conditional Use Permit for 506 N Silver St., Morris Contracting Inc., Applicant.**

Commissioners McLean and Nickelson made a motion to open the Public Hearing with all Commissioners voting in favor.

No Public Comments.

Commissioners McLean and Parks made a motion to close the Public Hearing with all Commissioners voting in favor.

Planner Newton presented background information on the application for Conditional Use Permit (CUP) to house U-Haul rentals at 506 N Silver. The use requires a CUP to operate in the Thoroughfare Access (TA) district.

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 all be cut-off fixtures located to minimize impact on adjoining properties.
2. All rental vehicles shall be parked in accordance with the parking setbacks stated in Article 4, Table 04.110 A.
3. There shall not be more than XX number of rental vehicles parked at the location at one time. (To be determined by Commissioners)
4. All rental vehicles shall be parked on a paved hard-surface on the west side of the building (taking access from W 3rd St.)

5. The parking lot shall be screened from neighboring properties.
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. 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.

Commissioner Cowman asked the applicant how many vehicles they were proposing to keep on the lot. Applicant stated that between six (6) and eight (8) vehicles and/or trailers would typically be available for rental.

Commissioner Cowman asked Planner Newton if the Commission would have to stipulate the amount of vehicles. Planner Newton stated as long as they meet parking setback requirements no stipulation was needed.

Commissioner Cowman discussed the requirements of hard surfacing the parking lot and suggested twelve (12) months be given to the applicant. Commissioner DeGrande was in favor of the suggested timeline.

Commissioner Parks asked where the Staff suggestion of screening would need to be. Planner Newton stated screening is required between the parking lot and the residential zoning district.

Commissioner Parks asked what are examples of hard surfaces for the parking lot. Planner Newton stated concrete, asphalt, or concrete pavers could be used.

*Commissioner Cowman and DeGrande made a motion to recommend approval of the Conditional Use Permit (CUP) with the following conditions, with all Commissioners voting in favor.*

1. *Lighting shall all be cut-off fixtures located to minimize impact on adjoining properties.*
2. *All rental vehicles shall be parked in accordance with the parking setbacks stated in Article 4, Table 04.110 A.*
3. *No limits on number of vehicles and/or trailers so long as parking meets all setback requirements.*
4. *All rental vehicles shall be parked on a paved hard-surface on the west side of the building (taking access from W 3rd St.) The hard surface shall be installed within twelve (12) months of approval of CUP.*
5. *The parking lot shall be screened from neighboring properties.*
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. 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.*

**Item 4: Discussion on regulations in regards to Paola Land Development Ordinance Article 3, Section 03.210 Accessory Uses, Residential**

**Item 5: Community/ Economic Development Director Report**

Planner Newton presented the following:

1. Paola Crossings has begun site clearing.
2. Casey's permit was approved.
3. Next month's meeting will be a site plan approval for Lakemary's expansion.

**Item 8: Adjournment**

Commissioners *McLean* and *DeGrande* made a motion to adjourn with all Commissioners voting in favor.