



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

**Tuesday, February 21, 2023 - 5:00 PM**

**Paola Justice Center - 805 North Pearl**

**YouTube Link:**

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

1. Pledge of Allegiance.
2. Approval of the minutes from the January 17, 2023 meeting.  
★ Motion\_\_\_\_\_ Second\_\_\_\_\_ Vote\_\_\_\_\_
3. Consideration and vote to recommend approval of a Conditional Use Permit, 508 W Shawnee, Daniel Mukeku, applicant.  
★ Motion\_\_\_\_\_ Second\_\_\_\_\_ Vote\_\_\_\_\_
4. Discussion on Land Development Ordinance text addition in reference to Tiny Homes.
5. Community / Economic Development Director Report.
6. Adjournment.  
★ Motion\_\_\_\_\_ Second\_\_\_\_\_ Vote\_\_\_\_\_

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 Jessica Newton at least 24 hours in advance of this meeting at 259-3600.

**NEXT SCHEDULED MEETING  
MARCH 21, 2023**



PLANNING COMMISSION /  
BOARD OF ZONING APPEALS  
JANUARY 17, 2023 MEETING MINUTES

**Commissioners Present:** Cowman, DeGrande, Maurer, McLean, Parks, Scott, Upshaw

**Commissioners Absent:**

**Others Present:** Jessica Newton - City of Paola  
Alan Hire - Triangle Builders  
LeAnne Shields and Andrea Battista

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**Item 1: Pledge of Allegiance.**

**Item 2: Consideration of minutes from the November 15, 2022 meeting.**

Commissioner Cowman called the meeting to order. The next order of business was the consideration and approval of the minutes from the November 15, 2022 meeting.

*Commissioner McLean made a motion to approve the November 15, 2022 meeting minutes. The motion was seconded by Commissioner DeGrande and all voted aye. Commissioners Parks and Scott abstained due to being absent from the November meeting. The motion passed 5 to 0.*

**Item 3: Board of Zoning Appeals - Interpretation of Article 3, Section 03.210 Accessory Uses, Residential for the storage of a recreational vehicle at 3 W 4th St., Joseph Battista, owner.**

City Planner Newton presented information on the recreational vehicle stored in the front driveway at 3 W 4th St. The owner, Joseph Battista, was sent a zoning notification that the vehicle needed to move from its current location as it did not comply with Ordinance 3194. Mr. Battista requested Staff approach the Board of Zoning Appeals for their interpretation of the allowed area to store the vehicle.

Andrea Battista, the wife of Joseph Battista, was in attendance to answer questions from Commissioners. Ms. Battista stated they recently complied with Staff request to not use the vehicle for storage and that the vehicle is in operable condition.

Commissioners Cowman and DeGrande stated Battista's were not the only lots in Paola that would have to store their recreational vehicles elsewhere as their own residential lots would not comply. Commissioner Cowman stated he has a recreational vehicle that he cannot store at his residence because it crosses into the city right-of-way. Commissioner DeGrande stated he

does not have reasonable access to a side or rear yard of his property and would not be allowed to store recreational vehicles as his residence.

No Commissioners made a motion to override the Zoning Administrator's interpretation of Ordinance 3194 that the vehicle shall not be used for storage and that the vehicle extends over the right-of-way.

**Item 4: Consideration and vote to recommend approval of final site plan for Taylor Forge, Triangle Builders, applicant.**

City Planner Newton presented background information on the final site plan for a new 4,732 square foot learning center at Taylor Forge Engineered Systems, Inc. The architectural site plan was completed by BCS Design, Inc Architects and was submitted by Triangle Builders. Since the final site plan was not sealed by the design professional, no outside review was completed as it would have been rejected as incomplete. Zoning requirements for minimum site area is 5 acres which is met after a recent boundary line adjustment put the total acreage at roughly 12.10 acres. Setbacks for the proposed learning center are 70.6' and 177' and remaining setbacks previously existing. Parking requirements are 2.5 spaces per 1,000 square foot of floor area plus 1 space per company vehicle. The parking plan submitted on sheet AS105 shows the number of parking stalls in the main lot to be 108 with more spaces available around the campus. The applicant has acknowledged the parking requirements are not being met but has asked the Planning Commission to waive the requirement. Handicap spaces required are six (6), there are five (5) shown on the provided plan with a note that one more will be located on Mulberry St. Parking lot surface types are required to be paved with concrete, paving blocks, asphalt, or other all-weather surface types, gravel is not permitted. The existing parking in the area is hard surfaced. Any future parking added to meet parking requirements would need to be hard surfaced. The landscaping plan on sheet L100 submitted shows landscaping in place that was required during preliminary site plan review. Parking lot lighting additions are included and show compliance with the LDO footcandle maximums.

City Planner Newton recommended approval based on the following conditions: confirmation of filing the Boundary Line Adjustment with Miami County prior to building permit being issued.

*Commissioner DeGrande made a motion to recommend approval of the final site plan for Taylor Forge, Triangle Builders, applicant, with the following condition. The motion was seconded by Commissioner Parks. The motion passed 7 to 0 with Commissioners Cowman, DeGrande, McLean, Maurer, Parks and Scott voting aye. Commissioner Upshaw abstained as he is an employee of Taylor Forge.*

**Conditions:**

1. *File Boundary Line Adjustment with Miami County prior to building permit being issued.*

**Item 5: Discussion on Land Development Ordinance text addition in reference to Tiny Homes.**

City Planner Newton stated the City of Paola recently adopted the 2018 International Building Codes which allows tiny homes in Appendix Q. A draft of changes suggested for the zoning regulations of tiny home clusters was presented to the Planning Commissioners.

Commissioners discussed all items in Attachment A and suggested the following:

1. Cluster developments must be retained under common ownership similar to an HOA style subdivision
2. No allowance for tiny homes on wheels

Commissioners agreed to look at the suggested wording changes at the February meeting and then set a date for a Public Hearing to amend the Land Development Ordinance.

**Item 6: Consideration and vote on a design review for a container home at 608 W Miami St., KC Contractors, applicant.**

City Planner Newton presented background information on a submitted design review for a container home to be constructed at 608 W Miami St. The applicant, Seth Dubinick of KC Contractors, stated the home will be constructed of four (4) containers with a traditional stick built portion of the home in the middle section. The LDO provides the Planning Commission the authority to approve deviations from one or more of the design standards on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with the existing structures in the vicinity.

Commissioners discussed the impacts of allowing a container home and suggested there be formal guidelines in place. It was also discussed that there is currently not a lot of building being completed on the west side of town and this builder would be providing a new residence on an existing vacant lot.

*Commissioner Scott made a motion to recommend approval of the design review for a container home to be located at 508 W Shawnee St., KC Contractors, applicant. The motion was seconded by Commissioner Cowman with Commissioners Parks and Maurer voting aye and Commissioners DeGrande, McLean, and Upshaw voting no.*

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

City Planner Newton presented the following:

1. Update on 719 S Silver codes enforcement
2. Rausch Coleman has submitted 3 new home permits

**Item 6:        Adjournment**

*Commissioner McLean made a motion to adjourn. The motion was seconded by Commissioner Upshaw and all voted aye. The motion passed 7 to 0.*