

PLANNING COMMISSION /  
BOARD OF ZONING APPEALS  
FEBRUARY 21, 2023 MEETING MINUTES

**Commissioners Present:** Cowman, DeGrande, Maurer, Upshaw  
**Commissioners Absent:** McLean, Parks  
**Others Present:** Jessica Newton - City of Paola  
Joe Fester - Crown Realty  
Daniel Mukeku - Applicant  
Michael O’Roark, Donnie Jones, Josie Jones - Residents

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**Item 1: Pledge of Allegiance.**

**Item 2: Consideration of minutes from the January 17, 2023 meeting.**

Commissioner Cowman called the meeting to order. The next order of business was the consideration and approval of the minutes from the January 17, 2023 meeting.

*Commissioner Upshaw made a motion to approve the January 17, 2023 meeting minutes. The motion was seconded by Commissioner Cowman and all voted aye. The motion passed 4 to 0.*

**Item 3: PUBLIC HEARING - Consideration and vote to recommend approval of a Conditional Use Permit, 508 W Shawnee, Daniel Mukeku, applicant.**

City Planner Newton presented criteria that the Planning Commission must ensure be met when discussing recommending approval of a Conditional Use Permit. Those standards are:

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. *The use is consistent with the Comprehensive Plan.*

The proposed use shall be compatible with the character of land in the immediate vicinity. *The property to the north is a single-family attached residence and all other adjoining properties are single-family residential making the proposed single-family attached compatible with the immediate vicinity.* The proposed use's design shall minimize adverse effects, including visual impact of the proposed use on adjacent lands. *The exterior of the structure will be residential in appearance.* The proposed use shall minimize adverse impacts on the environment, traffic and congestion, infrastructure, or governmental services. *Since off street parking requirements appear to be met, the construction of a single-family attached residence will not have adverse impacts on the environment, traffic and congestion, infrastructure, or governmental services.*

*Commissioner Upshaw made a motion to open the Public Hearing. The motion was seconded by Commissioner DeGrande and all Commissioners voted aye. The motion passed 4 to 0.*

Michael O’Roark, 206 S. Mulberry St. - Mr. O’Roark stated his property backs up to 508 W Shawnee and he is concerned about a new structure being built. His concern is being able to perform maintenance on his fence because he had agreements with previous owners to access the exterior side of his fence from neighboring properties. He also stated he is worried about an established tree that is on the property line between himself and the applicant.

Commissioner Cowman asked Planner Newton to clarify setbacks for the proposed residence. Planner Newton stated that all setback requirements would be satisfied.

Commissioners Cowman and DeGrande clarified for Mr. O’Roark that the architectural plans for the proposed structure would still have to be approved by the city prior to issuing a building permit.

There were no further comments.

*Commissioner DeGrande made a motion to close the Public Hearing. The motion was seconded by Commissioner Upshaw and all Commissioners voted aye. The motion passed 4 to 0.*

There were no further questions from Commissioners for Planner Newton.

*Commissioner DeGrande made a motion to recommend approval of the Conditional Use Permit, 508 W Shawnee, Daniel Mukeku, applicant. The motion was seconded by Commissioner Cowman and all Commissioners voted aye. Tho motion passed 4 to 0.*

**Item 4: Discussion on Land Development Ordinance text addition in reference to Tiny Homes.**

City Planner Newton presented text change recommendations from the January Planning Commission meeting that included removing tiny homes on wheels to be allowed. Commissioner DeGrande suggested language to require a storm shelter onsite. Commissioners agreed to cap the maximum site area at fifteen (15) acres and require opaque fencing similar to what is required in the LDO for manufactured home parks. A Public Hearing will be scheduled for the April Planning Commission meeting to recommend or deny a text amendment to the LDO.



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

City Planner Newton presented the following:

1. 51 permits year to date
2. March Planning Commission will have two Public Hearings
3. City Council February updates
4. New Planning Commission applicant

**Item 6: Adjournment**

*Commissioner Cowman made a motion to adjourn. The motion was seconded by Commissioner DeGrande and all voted aye. The motion passed 4 to 0.*