



AMENDED

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

Commissioners Present: Cowman, Dees, DeGrande, McLean, Maurer, Parks, Upshaw

Commissioners Absent:

Others Present: Jessica Newton, Randi Shannon, Leigh House, Debbie Hayes, LeAnne Shields - City of Paola

302 N Oak Applicants: Ike Brady - Brady Brothers, LLC, Eric Kallevig - Platinum Realty, Blake Harris - The Haven

501 W Chippewa Applicants: Tyler Luckey, Josie Jones, Donnie Jones

Others: Gordon Geldhof, Terry Courtney, Walt Bishop, Stephanie Connell, Stuart Connell, Pete Bell, Melanie Elliott, Justin Elliott, Jackie Eatinger, Howard Alfrey, Judy Welter, Mike Welter, Alan Hire, Nancy Geiger, Mark Fuchs, Kris Fuchs, Ramona Jones

Item 1: **Pledge of Allegiance.**

Item 2: **Introduction of New Planning Commissioner - Jennifer Dees**

Item 3: **Consideration of minutes from the ~~January 17~~ February 21, 2023 meeting.**

Commissioner Cowman called the meeting to order. The next order of business was the consideration and approval of the minutes from the February 21, 2023 meeting.

Commissioner DeGrande made a motion to approve the February 21, 2023 meeting minutes. The motion was seconded by Commissioner Upshaw and all voted aye with Commissioners McLean, Parks, and Dees abstaining.

Item 4: **PUBLIC HEARING - Consideration and vote to recommend approval of a Zoning Map Amendment, 302 N Oak, Brady Brothers, LLC, applicant.**

Commissioner McLean made a motion to open the Public Hearing. The motion was seconded by Commissioner DeGrande with all Commissioners voting aye.

Planner Newton stated that the memo put together for the Zoning Map Amendment was based on information Brady Brothers, LLC submitted and asked the applicant to present any changes in information.

Eric Kallevig with Platinum Realty represents the property for sale at 302 N Oak on behalf of

Brady Brothers, LLC. Kallevig stated that formerly Brady Brothers, LLC was seeking the rezoning for use of multi-family at the property but as of yesterday the building is under contract for an event space for weddings with Blake Harris of The Haven event space.

Ike Brady represents Brady Brothers, LLC and stated the building was originally purchased for the use of either an event space or child care facility but the cost of code updates caused the sale of the property. A recent potential buyer was looking to turn the old building into an apartment building however an offer was recently received and accepted from The Haven.

Alan Hire represents Triangle Builders and suggests that tabling the meeting for another day to allow for more research information may be the best idea.

Blake Harris represents The Haven event space in Louisburg, KS and within the last 48 hours has placed an offer on the property at 302 N Oak. Mr. Harris has recently applied for a rural tourism grant in the amount of \$1.5 million to help with renovations of the property. This event space would help support other local businesses such as restaurants, gas stations, and the hotel. Mr. Harris states that he would develop contracts with wedding guests that would be cognizant of the neighborhood. The goal is to add suites upstairs so guests would have a place to stay overnight on the property. Events would end by 10 pm during the week and 11 pm on the weekends.

Planner Newton clarified that an event space could operate with a Conditional Use Permit (CUP) in the current NC-R1 zoning district or if the Zoning Map Amendment was approved the event space would not need to apply for the CUP.

Terry Courtney, 310 N Walnut, read her letter she mailed to each Commissioner. See "Attachment A"

Mark Fuchs, 9 Tower St., concerned about traffic especially the corner of Tower St. and Pearl St. This intersection is awkward and narrow and would not handle traffic well.

Justin Elliott, 307 N Oak, concerned about the change to Thoroughfare Access as mentioned in his letter attached. See "Attachment B"

Pete Bell, 209 N Castle, concerned about traffic and out of town drivers utilizing the existing hilly roads. Mr. Bell states that whatever economic development comes to town we should welcome.

Stuart Connell, 110 Tower St., concerned about traffic and late nights of an event center. Mr. Connell also submitted a letter that is attached. See "Attachment C"

Kyle Windler, 304 N Walnut, stated kids and animals utilize the green space and playground on the property that belongs to Brady Brothers, LLC. Windler stated an event space is good but not for this area, he also submitted a letter. See "Attachment D"

Stephanie Connell, 110 Tower St., is concerned about utilities, especially water pressure.

Ike Brady, Brady Brothers, LLC., addressed the public and stated since there were comments and concerns he would like to ask the Commissioners to table the decision to allow for more information surrounding the event space at a later date.

Commissioner McLean made a motion to close the Public Hearing. The motion was seconded by Commissioner Upshaw with all Commissioners voting in aye.

*Commissioner Cowman made a motion to defer the Zoning Map Amendment, Brady Brothers, LLC., applicant, until the April 18, 2023 Planning Commission meeting. The motion was seconded by Commissioner **Cowman DeGrande** and all Commissioners voted aye. The motion passed 7 to 0.*

Item 5: PUBLIC HEARING - Consideration and vote to approve a Variance, 501 W Chippewa, Tyler Luckey, applicant.

Commissioner Parks made a motion to open the Public Hearing. The motion was seconded by Commissioner McLean with all Commissioners voting aye.

Planner Newton presented background information on the application for a Variance to the maximum permitted building size of an accessory structure. Tyler Luckey would like to build a 3,500 square foot accessory structure on his property at 501 W Chippewa. The maximum permitted size of an accessory structure on lots of one acre or more is equal to the main floor living area of the primary residence, in this case it would be 1,976 square feet. Planner Newton went over criteria that must be met for a variance to be approved. The Board of Zoning Appeals can grant variances in accordance with K.S.A. 12-759(e)(1) when literal enforcement of the zoning regulation would result in an unnecessary hardship and must meet these conditions:

1. Condition is unique to property
2. No adverse effect to adjacent owners
3. Strict application results in hardship
4. No adverse effect to public health and safety
5. Variance not in conflict with the general spirit and intent of zoning regulations

It is important to note that granting a variance is intended to remedy unique, undue and unnecessary hardships and are not to be approved based on convenience for the property owner. Staff does not recommend approval of the variance as this is seen as a convenience to the property owner.

Commissioner DeGrande asked the applicant, Tyler Luckey, where access to the potential building would be from. Luckey stated access would come off W. Chippewa from their second drive entrance.

Commissioner McLean asked Luckey if the building would be for commercial use or personal storage. Luckey stated that it would be used for storage.

Donnie Jones stated the property owner would like to build the accessory structure in the west side yard of the property.

Commissioner McLean made a motion to close the Public Hearing. The motion was seconded by Commissioner DeGrande with all Commissioners voting aye.

Commissioner McLean feels the location of the property and where the potential building will be built would be acceptable for the large building.

Commissioner DeGrande agreed with Commissioner McLean and also stated that the building would not hinder any future development.

Commissioner Cowman stated his concern would be that approving this variance would set a precedent and that would create a problem moving forward.

Commissioner Upshaw agreed with Commissioner Cowman and also stated the applicant does not have a hardship and it is not consistent with the LDO.

Commissioner DeGrande stated that he did not feel approving the variance would be detrimental to anyone in the area.

Commissioner McLean stated this was a unique situation in a unique part of the city.

Planner Newton reiterated that the applicant can build a building the same size as the main floor area of the residence which is 1,976 square feet and this would be a convenience to approve the building size of 3,500 square feet.

Commissioner DeGrande made a motion to approve a variance from the maximum permitted size of an accessory structure at 501 W Chippewa, Tyler Luckey, applicant. The motion was seconded by Commissioner McLean. Commissioners DeGrande and McLean voted aye and Commissioners Cowman, Parks, Maurer, Upshaw, and Dees voted nay. The motion failed 2 to 5.

Item 5: Community / Economic Development Director Report

City Planner Newton presented the following:

1. 73 permits year to date
2. Building Inspection
 - a. Ballfields - substantially complete as of 03/08/2023
 - b. Paola Crossings - asphalt on the roads have started
 - c. Casey's - interior finishes are been installed
 - d. Lakemary - starting to pour concrete footings
3. April Planning Commission
 - a. Public Hearing for tiny homes LDO update
4. March City Council
 - a. Approved CUP at 508 W Shawnee
 - b. Dangerous Structures - 115 W Wea and 809 S Silver
 - c. False fire alarms - new ordinance passed

Item 6: Adjournment

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