



Planning Commission / Board of Zoning Appeals Agenda

Tuesday, December 19, 2023 - 5:00 PM

Paola Justice Center - 805 North Pearl

YouTube Link:

https://www.youtube.com/channel/UCElqDJjzXv_XvXznUfKQomw/featured?view_as=subscriber

1. Pledge of Allegiance
2. Approval of the minutes from the November 15, 2023 meeting
3. **Public Hearing** - Consideration and vote to recommend approval of 23-CUP-05 for Heavy Retail and Service to allow UHaul rentals at 104 W Piankishaw, Gerken Rent-All, applicant
4. **Public Hearing** - Consideration and vote to recommend approval of 23-RZ-02 for the zoning map amendment of NC-R1 to Downtown for 110 E Peoria, Weld Properties, LLC, applicant
5. Community / Economic Development Director Report
6. Adjournment

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
JANUARY 16, 2023

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

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

Commissioners Absent: DeGrande

Others Present: Jessica Newton, Randi Shannon - City of Paola
Chris Rankin, Henry Freeman

Item 1: Pledge of Allegiance.

Item 2: Consideration of minutes from the September 19, 2023 meeting.

Commissioner Cowman called the meeting to order. The next order of business was the consideration and approval of the minutes from the September 19, 2023 meeting.

Commissioner Upshaw made a motion to approve the September 19, 2023 meeting minutes. The motion was seconded by Commissioner Maurer with Commissioners Cowman, Maurer, and Upshaw voting in favor. Commissioners Dees, McLean, and Parks abstained due to absence from the September 19, 2023 meeting.

Item 3: Executive Session for Attorney / Client Privilege

Commissioner Cowman made a motion for the Planning Commission recess into Executive Session to consult with the City Attorney regarding information deemed privileged in the attorney-client relationship, pursuant to exception, K.S.A.

75-4319(b)(2). The meeting shall include the Planning Commission, City Attorney, City Manager, and City Planner. The regular meeting shall reconvene in the Municipal Court Room at 5:12 pm. The motion was seconded by Commissioner Upshaw with all commissioners voting in favor.

Commissioner Cowman made a motion to reconvene the recessed meeting at 5:12 pm. The motion was seconded by Commissioner Parks with all Commissioners voting in favor.

Item 4: Reconsideration and vote to recommend approval of a Conditional Use Permit (CUP) for “Campgrounds” as defined in the Land Development Ordinance at 716 S Gold, Paola MHP 1, LLC, applicant

Planner Newton presented background information on the application for the CUP at the Paola Mobile Home Park. During the September 19, 2023 Planning Commission meeting, Commissioners present voted 2-2 which is considered a denial recommendation according to the Land Development Ordinance. This was sent to City Council to vote on during their October 10, 2023 meeting where Councilmembers voted in favor to return the issue to Planning Commission for further consideration.

Kenneth Barley has approached Staff and applied for CUP to utilize two lots within the park, lots 3 and 7, for the use of RV's. This is primarily due to the size of the lots in relation to the size of modern day mobile/trailer homes. Lots 3 and 7 are smaller than the other lots in the park and would accommodate an RV. According to the Land Development Ordinance (LDO), "Campgrounds" are defined as the following: Campgrounds. This is a form of commercial lodging where guests bring tents, travel trailers, campers, or other similar forms of shelter. The campground rents pads to the guests. Over time, the Paola Mobile Home Park has brought in recreational vehicles (RV) to serve as long term rental options for residents. Park owners would be notified by Staff that the legal option for the park to utilize RV's would be to apply for a CUP to operate as a "Campground" as defined in the LDO. The property owner has stated that the lots would be rented on a long term basis.

Planner Newton stated conditions had been added to the staff recommendation and include:

1. Recreational vehicles are restricted to Lot 3 and Lot 7 only
2. Recreational vehicles must be connected to all available public utilities
3. Recreational vehicles must have self contained restroom facilities, no composting toilets
4. Lots 3 and 7 must each have one dedicated off-street parking spot
5. Each recreational vehicle moved onto Lot 3 or Lot 7 must be inspected by the City of Paola Building Inspector to obtain a Certificate of Occupancy
6. In compliance with the LDO definition of "Campgrounds", property owner shall not own any recreational vehicles
7. Recreational vehicles must have skirting
8. Lot numbers must be posted in compliance with city code
9. 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 stated that the definition of “Campground” clearly states that guests rent pads and suggested that the property owner should not be allowed to own any RV’s to stay compliant with the definition.

Planner Newton suggested that Condition 6 previously stated could be reworded to include “shall only rent lots” with all Commissioners in agreement.

Commissioner McLean suggested adding a condition motorhomes and fifth wheels would not be permitted with all Commissioners in agreement.

Commissioner Cowman made a motion to recommend approval of a Conditional Use Permit for (CUP) for “Campgrounds” as defined in the Land Development Ordinance at 716 S Gold with the following conditions:

1. Recreational vehicles are restricted to Lot 3 and Lot 7 only.
2. Recreational vehicles must be connected to all available public utilities.
3. Recreational vehicles must have self contained restroom facilities, no composting toilets.
4. No motorhomes or fifth wheel trailers permitted.
5. Lots 3 and 7 must each have one dedicated off-street parking spot.
6. Each recreational vehicle moved onto Lot 3 or Lot 7 must be inspected by the City of Paola Building Inspector to obtain a Certificate of Occupancy.
7. In compliance with the LDO definition of “Campgrounds”, property owner(s) shall not own any recreational vehicles, shall only rent lots.
8. Recreational vehicles must have skirting.
9. Lot numbers must be posted in compliance with city code.
10. 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 Parks seconded the motion with all Commissioners voting in favor.

Item 5: Community / Economic Development Director Report

City Planner Newton presented the following:

1. VA Clinic permit is approved
2. Four new home permits issued
3. December 19th Planning Commission meeting will include two public hearings
4. Last Alarm for Wendell Phillips on November 28th at Miami County 1st Responders Memorial

Item 5: Adjournment

Commissioner McLean made a motion to adjourn. The motion was seconded by Commissioner Maurer with all Commissioners voting in favor.