

**PLANNING COMMISSION /  
BOARD OF ZONING APPEALS  
DECEMBER 19, 2023 MEETING MINUTES**

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

**Others Present:** Jessica Newton, Randi Shannon, Mitch Gabbert - City of Paola  
Rusty Gerken, Nancy Oliver, David McIntire, Rob Roberts, Jen Baer, Cherise Sedlock, Kathy Curtis, Glenn Curtis, John Hurst, Stephanie Hurst, Ray Hood, GW Weld,

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**Item 1: Pledge of Allegiance.**

**Item 2: Consideration of minutes from the November 15, 2023 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, 2023 meeting.

*Commissioner Dees made a motion to approve the November 15, 2023 meeting minutes. The motion was seconded by Commissioner McLean with Commissioners Cowman, Dees, Maurer, McLean, Parks, and Upshaw voting in favor. Commissioner DeGrande abstained due to his absence from the November 15, 2023 meeting.*

**Item 3: Consideration and vote to recommend approval of 23-CUP-05 for Heavy Retail and Service to allow U-Haul rentals at 104 W Piankishaw, Gerken Rent-All, applicant**

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

City Planner Jessica Newton presented background information on the application for a Conditional Use Permit (CUP) at 104 W Piankishaw for Heavy Retail and Service, Gerken Rent-All, applicant, to operate a U-Haul rental business. The property is zoned Downtown (D) which has a requirement for a CUP for the use of Heavy Retail and Service. CUPs are site specific zoning regulations for a specific use at a specific location and due to this it would have zero impact on any operation of the existing

hardware store.

Planner Newton stated staff recommends the approval of the CUP and suggested the following conditions:

1. Line of sight at the intersection of N. Silver and W. Piankishaw shall conform to Figure 11.260 Clear View of Intersection Streets in the LDO.
2. All rental trucks and/or trailers shall be parked in accordance with the parking setbacks stated in Article 4, Table 04.110 A in the LDO.
3. No limit on number of trucks and/or trailers so long as all parked rental units meet setback requirements.
4. All rental trucks and/or trailers shall be parked in an organized manner on the provided hard-surfaced lot east of the existing building in order to maintain customer parking for the hardware store.
5. 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.

#### *Public Comment*

*Rob Roberts spoke about supporting an increase of businesses, Gerken Rent-All being active business owners, and is in support of this CUP.*

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

Commissioner Cowman stated his main concern was the line of sight being and parking setback marked with a physical barrier to ensure rentals remain compliant.

Commissioner Parks asked if there had been any complaints in regards to line of sight. Planner Newton stated for the record there had been a complaint received regarding the line of sight looking to the north.

Commissioner Parks asked the applicant if there were designated return spaces for customers. Applicant stated there were not any designated spaces.

Commissioner McLean motioned to recommend approval of 23-CUP-05 for Heavy Retail and Service to allow U-Haul rentals at 104 W Piankishaw, Gerken Rent-All, applicant with conditions. The motion was seconded by Commissioner DeGrande with all Commissioners voting in favor.

Conditions are as follows:

1. *Line of sight at the intersection of N. Silver and W. Piankishaw shall conform to Figure 11.260 Clear View of Intersection Streets in the LDO. To be marked by a physical barrier similar to a wheel stop at the SE Corner.*
2. *All rental trucks and/or trailers shall be parked in accordance with the parking setbacks stated in Article 4, Table 04.110 A in the LDO.*
3. *No limit on number of trucks and/or trailers so long as all parked rental units meet setback requirements.*
4. *All rental trucks and/or trailers shall be parked in an organized manner on the provided hard-surfaced lot east of the existing building in order to maintain customer parking for the hardware store.*
5. *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: Consideration and vote to recommend approval of 23-RZ-02 for the zoning map amendment for NC-R1 to Downtown for 110 E Peoria, Weld Properties, LLC, applicant**

Commissioner DeGrande made a motion to open the Public Hearing. The motion was seconded by Commissioner Upshaw with all Commissioners voting in favor.

Planner Newton presented background information on the application for the zoning map amendment for 110 E Peoria from Neighborhood Conservation-R1 to Downtown. Weld Properties, LLC, Eudora, KS has submitted an application for the rezoning of the property at 110 E Peoria, formerly known as First United Presbyterian Church. The property is currently under contract to purchase with the intention of turning the existing seventy plus year old building into an event venue. The zoning district desired by the applicant is Downtown (D) zoning. This district is a mixed use district, permitting a full range of uses. There are residential, commercial, and office areas in this district

that surround the City Square, the County Courthouse, and extend north from the Square along Pearl Street and Silver Street. This district provides an urban character where buildings are to be built to the sidewalk line, maintaining the Square's historic character. Design standards ensure the desired character. Pedestrian activity is encouraged and the City may make allowances to encourage a desirable mix of buildings and uses to enhance the central area's economic vitality. The Land Development Ordinance (LDO) permits uses in this district to reduce required parking by counting on-street parking. The rezoning from NC-R1 to D would allow the purchaser to preserve a historic building while promoting economic development within city limits.

*Public Comment:*

*GW Weld, Weld Properties, LLC, spoke about the intent of the property to be transformed into a wedding/events venue. Weld has transformed other historic properties in Eudora, KS. Weld stated he would like to move forward with getting this property on the National Historic Register.*

*Kathy Curits stated she was concerned about parking and people trespassing on her property, noise levels from events and general privacy.*

*John Hurst stated that parking in front of his home is always full from library patrons and many kids congregate from the library so he is worried guests from events would do the same.*

*Stephanie Hurst is concerned about noise issues, parking availability and occupancy loads.*

*David McIntire is a member of the church and stated he is thankful for this opportunity and does not want to see this building torn down. He also stated there is plenty of parking available in the two lots on the property.*

*Glenn Curtis is concerned about trespassing.*

*Nancy Oliver would love to see the building maintained but feels parking is going to be a nightmare.*

*Jennifer Baer, Heartland Presbyterian, states they have vetted potential buyers and*

have kept in mind the best interest of the surrounding properties. This opportunity is the best way to move forward.

Rob Roberts states he sees plenty of parking, this is a great use of the space and will help expand downtown.

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

Commissioner DeGrande asked if there were any exterior areas that would be able to be designated for smoking or congregating. Weld stated there was an existing courtyard that would work well for this.

Commissioner Parks asked if Weld would be onsite to manage the property. Weld stated a staff would be hired locally and that hopefully if the project goes well it would lead to other projects in town. Weld will be heavily involved in the beginning phases of the project.

Commissioner Dees stated that there was also additional parking at the firehouse gym.

Commissioner McLean wondered if a fence could be built to separate the north parking lot and the neighboring residential property.

Commissioner Parks made a motion to recommend approval of 23-RZ-02 for the zoning map amendment for NC-R1 to Downtown for 110 E Peoria, Weld Properties, LLC, applicant. The motion was seconded by Commissioner McLean with all Commissioners voting in favor.

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

City Planner Newton presented the following:

1. City Council recognition of new police officers

#### **Item 5: Adjournment**

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