



APPROVED

PLANNING COMMISSION /  
BOARD OF ZONING APPEALS  
OCTOBER 15, 2024 MEETING MINUTES

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

**Commissioners Absent:** DeGrande

**Others Present:** Mitch Gabbert - City of Paola, Rob George - Legacy Contractors

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**Item 1:** **Pledge of Allegiance.**

**Item 2:** **Consideration of minutes from the September 17, 2024 meeting.**

Commissioner Cowman called the meeting to order. The next order of business was the consideration and approval of the minutes from the September 17, 2024 meeting.

*Commissioner McLean made a motion to approve the September 17, 2024 meeting minutes. The motion was seconded by Commissioner Mauer with all commissioners voting in favor.*

**Item 3:** **Consideration and vote to recommend approval of the Preliminary Site Plan for Aquatic Ecosystem Consultants (AEC), Tim Snyder applicant.**

Zoning Administrator Mitch Gabbert presented the following information on the Preliminary Site Plan for AEC:

**Background:**

Tim Snyder owns and operates Aquatic Ecosystem Consultants (AEC), which is a full service pond management company currently located in Bonner Springs, Kansas. He has decided to move his business to Paola, and submitted a preliminary site plan application for a 7200 square foot facility, located at 1008 Industrial Park Dr.

This parcel is approximately 6.9 acres and is at the western end of Industrial Park Dr. The site plan was completed by Allenbrand-Drews & Associates, and was reviewed by staff, as well as Wilson and Company Engineers & Architects. It was also sent to the Public Works Director for his review, and he did not have any comments.

**Analysis:**

Minimum Site Area: Required: 10,000 square feet  
Provided: 6.95 acres

Minimum Lot Width: 80 ft

Setbacks: Street: 25 ft  
Side: 10 ft  
Rear: 20 ft  
All setbacks met

Parking: Required: 3.5  
Provided: 4

Parking Setback: Street: 15 ft  
Other: 5 ft  
All parking setbacks met

Trash Enclosures: All dumpsters must be enclosed with a masonry or wood structure.

Signage Plan: Not provided, to be approved at staff level.

Landscaping Plan: Will be submitted for staff approval during the permitting phase.

Drainage Calculations: Drainage calculations will be reviewed during the final site plan phase.

### **Findings:**

1. The application is consistent with section 21.625 of the LDO.
2. The application will not be detrimental to the health, safety, or general welfare of the community.

### **Recommendation:**

Staff recommends approval of the preliminary site plan for Aquatic Engineering Consultants, located at 1008 Industrial Park Dr., with the condition that all review comments are satisfied.

### **Discussion:**

Commissioner Cowman asked if the road leading to the proposed building was already paved and Gabbert advised it was, and that the developer would be installing an asphalt cul-de-sac at the end of the road, that the business would take access from.

Commissioner McLean made a motion to approve the preliminary site plan. Commissioner Parks seconded the motion, and all commissioners present voted in favor.

**Item 4a: Review draft regulations for the keeping of chickens and bees.**

Zoning Administrator Gabbert presented the following information on draft regulations for the keeping of chickens and bees:

City staff has been asked on numerous occasions if the keeping of chickens or honey bees is allowed in town. Currently, the LDO does not have any clearly stated regulations on this topic, other than the keeping of farm animals as pets. Historically, the keeping of chickens for any reason has been grouped into this section, where the minimum lot area required is 3 acres. Currently there are only 9 residential properties in the city limits that would be allowed to keep chickens, or any type of farm animal. Due to the large amount of interest in this topic, staff looked into the regulations from surrounding municipalities and compared them to ours. Upon completing the research, staff has proposed a text amendment to the LDO.

**Zoning**

The current regulations for the keeping of domestic exotic animals/farm animals as pets is as follows:

**SECTION 03.350 DOMESTIC EXOTIC ANIMALS/FARM ANIMALS AS PETS**

- A. This section applies only to farm animals and exotic animals kept as pets and not commercial purposes.
- B. Minimum lot area is 3 acres.
- C. Maximum of 2 animals or 10 adult fowl/exotic cage birds or 1 animal and 5 adult fowl/exotic cage birds are allowed.
- D. A fence or cage of sufficient size, based on the carrying capacity of the land as defined by the Stockman's Handbook, must be provided. If not identified in the Stockman's Handbook, the zoning administration shall make a determination based on similar size/type animals identified in the handbook or by consulting a veterinarian.
- E. Proof of state permits (if applicable).

F. The shed, yard, pen or other place which any animals or fowl are kept shall be maintained in a manner that is not offensive to those residing in the vicinity or annoying to the public.

### **Proposed Changes**

## **SECTION 03.350 KEEPING OF ANIMALS**

### **A. General**

1. This section applies only to the keeping of animals for personal use and not for commercial purposes. The keeping of animals is also subject to the provisions of Chapter 2 of the Municipal Code.
2. For the purposes of this section, "large farm animal" means horses, ponies, cows, hogs, pigs, and other similarly sized animals. "Small farm animal" means chickens, rabbits, or other similarly sized animals.
3. Animals only permitted on single family lots with a principal residence.
4. All animals shall be kept in a manner as to not interfere with the life, health, or safety of other animals or humans.
5. Animals will not be permitted to run at large or deposit excretory matter upon the property of anyone other than their owners.
6. Prohibited animals. Roosters, turkeys, ducks, and other animals with frequent loud vocalizations are not permitted.

### **B. Number Allowed**

1. The minimum lot size required for the keeping of any large farm animals is 1 or 3 acres.
2. Maximum of 1 large farm animal, and 10 small farm animals per acre.
3. On lots smaller than 1 or 3 acres, 1 small farm animal is permitted per 1000 square feet of lot space, with a maximum of 10 small farm animals.

### **C. Enclosures**

1. All animals must be kept in an enclosed structure or area located in the side or rear yard and are not permitted to roam outside of the enclosure.
2. Enclosures which are open to the sky must contain a wall or fence of sufficient height to contain the animals.

3. Enclosures for chickens shall be a minimum of 4 square feet per chicken, and include a run. The combined area for the enclosure and run shall be a minimum of 10 square feet per chicken.
4. All enclosures shall follow the setback requirements of an accessory structure, prescribed in Section 03.210.
5. No enclosure may be located within 25 feet of any dwelling, church, school, or business structure located on adjacent property.
6. A building permit shall be obtained prior to construction of any enclosure.

**D. Keeping of Bees**

1. Up to 2 bee hives are permitted on lots up to **1 or 3 acres** and are subject to the following regulations.
2. Fresh, clean water must be kept within twenty (20) feet of the hive, stand, or apiary.
3. The owner of any hive or apiary shall install and maintain a flyway barrier six (6) feet in height consisting of a solid wall, fence, vegetation or combination thereof that is parallel to the property line and that extends ten (10) feet beyond the hive or apiary in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over property lines in the vicinity of the hive or apiary.
4. No beehive shall be placed or kept in violation of these requirements, and in no event shall be located:
  - a. Closer than 5 feet to the property line.
  - b. Within 25 feet of any dwelling, church, school, or business structure located on adjacent property.
  - c. Closer than 10 feet from a public pedestrian path.
  - d. Within 25 feet of the edge of a public street.
  - e. Anywhere other than the side or rear yard of a property.
5. On lots larger than **1 or 3 acres**, the Zoning Administrator will review requests for greater numbers of hives.

**E. Penalty**

A violation of any term of this section shall constitute a public nuisance, and will be subject to all of the provisions in Chapter 8 of the Paola Municipal Code.

**Discussion:**

Commissioners discussed the proposed chicken and bee regulations, and provided input to Gabbert.

**Item 4b: Review draft LDO text amendment for sign regulations.**

Zoning Administrator Gabbert presented the following information for a proposed text amendment to the regarding sign regulations:

City staff has recently found that a subsection in the LDO is not in compliance with Kansas Statute 25-2711. This section of the LDO was updated in 2010, and the statute was introduced in 2015. Staff is proposing a change of Section 07.102 (A)(5), to be consistent with Kansas Statute.

The current sign exemption subsection is listed below:

**SECTION 07.102 TOTAL EXEMPTIONS**

A. Total Exemptions. The following signs shall be exempt from the requirements of this Article, except for the provisions of Section 07.104 and 07.220.

5. Political campaign signs, not exceeding four (4) square feet in area, displayed during no more than a four-week period preceding and a one-week period following an election.

KSA 25-2711 is as follows:

**25-2711. Placement of political signs during election period.** No city or county shall regulate or prohibit the placement of or the number of political signs on private property or the unpaved right-of-way for city streets or county roads on private property during the 45-day period prior to any election and the two-day period following any such election. Cities and counties may regulate the size and a set-back distance for the placement of signs so as not to impede sight lines or sight distance for safety reasons.

Staff's suggestion is to amend subsection 5 to read as follows:

**5. Political campaign signs, not exceeding four (4) square feet in area, displayed during no more than a 45-day period preceding and a two-day period following an election.**

**Discussion:**

There was no discussion on the proposed sign regulation changes due to them being consistent with state statute.

**Item 4c: Review and discussion on possible fence regulation changes:**

Zoning Administrator Gabbert presented the following information on requested fence regulation changes:

**Background**

City staff has been approached by residents in regards to the use of hog wire as a fencing material. “Decorative” hog wire fencing has become more popular in the last few years as an alternative to chain link fences. These types of fences use hog wire or similar material, which is framed in wood and set on wood posts.

The LDO currently prohibits the use of hog wire as a fencing material. Staff researched the zoning regulations for fences in 7 surrounding cities and compared them to Paola's. 5 of the surrounding cities either prohibited the use of hog wire, or did not list hog wire as an acceptable material for residential fences. 2 cities did not mention fencing material, however their fence regulations as a whole were more restrictive.

**Discussion:**

Commissioners discussed the proposed fence regulation changes and ultimately came to the decision that the regulations should be left as they were.

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

Zoning Administrator Gabbert presented the following information:

1. Permits year to date = 336
2. General
  - a. There has been interest in putting 3 apartments and a small commercial kitchen on the square
  - b. There has been interest in an Industrial Park Dr. property for storage units
  - c. There has been interest in land across from hospital on east side of 169

hwy

- d. Tiny home site plan passed fire review
- 3. October City Council
  - a. New Library Director Morgan Menefee was introduced
  - b. Liquor license was approved for 1001 N Pearl "Pearl St Liquor"
- 4. November Planning Commission
  - a. Final site plan AEC
  - b. LDO Text Amendment Revisions

**Item 6: Adjournment**

*Commissioner McLean made a motion to adjourn. The motion was seconded by Commissioner Mauer, with all commissioners voting in favor.*