

**PLANNING COMMISSION /
BOARD OF ZONING APPEALS
APRIL 15, 2025 MEETING MINUTES**

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

Commissioners Absent:

Others Present: Mitch Gabbert - City of Paola

Item 1: Pledge of Allegiance.

Item 2: Consideration of minutes from the March 25, 2025 meeting.

Commissioner Cowman called the meeting to order. The next order of business was the consideration and approval of the minutes from the March 25, 2025 meeting.

Commissioner Mauer made a motion to approve the March 25, 2025 meeting minutes. The motion was seconded by Commissioner Dees with all commissioners voting in favor.

Item 3: Design review for a proposed single family home, located at 705 E Shawnee St.

Zoning Administrator Mitch Gabbert presented the following information on the design review for the proposed single family home at 705 E Shawnee St.

Background

Jonathan and Laura Trovillion have purchased a lot in Paola, with the hopes of building a home they can move into from out of state. The potential residence will be located at 705 E Shawnee St., and be approximately 1,280 square feet with a 932 square foot attached garage. The home proposed is a pre engineered metal building which will be placed on a slab-on-grade foundation, and finished out like a traditional house on the inside. The Trovillions have provided a rendering of the proposed single-family residence for design review.

Analysis

The LDO provides the Planning Commission the authority to approve deviations from one or more of the design standards on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity.

SECTION 15.525 SINGLE FAMILY RESIDENTIAL DESIGN STANDARDS

- A. Minimum Dimension. The smaller dimension of a rectangular dwelling unit shall be at least 22 feet. If a dwelling unit is not rectangular, then the minimum dimension of a rectangle superimposed over and enclosing the entire footprint of the dwelling unit shall be at least 22 feet. **The proposed house meets this requirement at 36' by 62'.**
- B. Foundations. All buildings shall be placed on a permanent foundation that meets applicable building code requirements. The floor elevation of the proposed dwelling shall be reasonably compatible with the floor elevations of surrounding dwelling units. **The house is proposed to be placed on a slab foundation at approximately the same elevation as the neighboring house.**
- C. Garage or Carport. A single-family dwelling shall include a garage or carport constructed with the same materials as the dwelling with a concrete floor and concrete pad. **House plans include a 932 square foot attached garage.**
- D. Driveways. Driveways with access on public streets shall be hard surfaced. **Hard surfaced driveway is included in plans.**
- E. Roof Pitch Overhang. All main buildings shall have a pitched roof with a minimum 12-inch roof overhang on each of the dwelling's perimeter walls such that the overhang is architecturally integrated into the design of the dwelling. **Roof overhang is indicated in plans.**
- F. Roofing Material. All main buildings and all detached garages or carports shall have a roof surface of wood shakes, asphalt, composition or wood shingles, clay or concrete tiles, or other material expressly designed for roofs. **A standing seam metal roof is proposed for this house.**
- G. Siding Materials. All main buildings and all detached garages shall have exterior siding material consisting of wood, masonry, concrete, stucco, masonite, vinyl or metal lap. The exterior siding shall extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material needs to extend below the top of the foundation.
 - a. **This is the design standard the Trovillions are requesting a deviation from, by proposing the use of vertical seam metal siding. They have included a significant amount of landscaping surrounding the house, as opposed to an architectural element on the lower one third of the building.**

SECTION 15.410 DESIGN REVIEW STANDARDS

In conducting the design review, the Planning Commission shall evaluate the plan against the following criteria. Approval requires that the criteria have been met or are inapplicable to the specific project, and that the development is significantly superior to one that simply met the Ordinance requirements.

1. The project is compatible with surrounding uses in terms of scale and adherence to the traditional character of Paola.
2. The architecture, project layout, landscaping, and signs contribute to a harmonious and diverse character that has a strong sense of unity.
3. Monotony is avoided and the plan provides an environment that has interest and diversity without becoming chaotic or discordant.
4. The buildings are designed to be part of Paola, rather than a plan or character that can be applied to similar uses across the nation. Formula buildings and color schemes are undesirable.

5. The streetscape protects or enhances the entrances to Paola, making them distinct from similar land uses in other communities.
6. The combination of architecture, signs, and landscaping creates a sense of place for those developments having many buildings, or which contribute to an overall sense of unity if the development is a single building.
7. The streetscape and building design reduces the apparent building mass of large buildings to match the City's small town character.

Recommendation

Staff recommends approval of the design review. It is staff's opinion that the proposed house will enhance the overall appearance of the area, and add diversity to the neighborhood.

Discussion:

Commissioners Cowman and McLean advised they believed the City previously discouraged the construction of these types of homes. Commissioner Cowman commented that this location was a unique area being at the end of a street with no houses past it. He asked if staff had received any comments from neighboring property owners and he advised they had not. Commissioner Hayes commented that the look of the house seemed to be more of a small bungalow traditional style house than a barn. Commissioner Dees asked if the owners were willing to add an architectural element to the house as opposed to the landscaping requirements and Gabbert advised they would definitely prefer to use the landscaping, as the architectural element would significantly increase the cost.

After some more discussion on the house, Commissioner Parks made a motion to approve the design review. Commissioner Hayes seconded the motion, and all commissioners except for Commissioner McLean voted yes, approving the design review.

Item 4: Consideration and vote to recommend approval of an amendment to Conditional Use Permit 23-CUP-02, Legacy Properties & Development, LLC, applicant.

Commissioner McLean made a motion to open the public hearing for the CUP amendment. Commissioner Mauer seconded the motion and all commissioners voted in favor.

Zoning Administrator Gabbert presented the following information on the request for the CUP amendment:

Background:

Legacy Properties & Development, LLC, property owner, has requested an amendment to Conditional Use Permit (CUP) 23-CUP-02, issued in May of 2023 for light industry in the Downtown zoning district. The tenant, Herron Outdoors produces, packages, and distributes a line of deer feed supplements. These are shipped to distributors and fulfillment centers with no retail sales at the local location. In the last 2 years Herron Outdoors has prospered in this space, and has now outgrown the allotted area listed in the original CUP.

Condition number 1 of the CUP limits the usage of the building to the ground floor only. The applicant is requesting the amended condition to include the basement, as well as the adjoining space at 120 S Silver St. The adjoining building at 120 S Silver St is also located on the same parcel as the current permitted space. This request is due to the need for additional space for the growing business, as well as storage area for future growth. The applicant estimates the additional space to be enough for 2-3 years of business growth, at which time the tenant would seek a larger facility for the business.

The applicant and tenant have complied with all conditions since the current CUP was issued, and staff has not received any complaints on the property or usage.

Brief and Findings:

The Planning Commission must ensure that the following standards shall be met (Section 21.220, Parts A-D):

- A. 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. all be compatible with the character of land in the immediate vicinity.
- B. The proposed use's design shall minimize adverse effects, including visual impact of the proposed use on adjacent lands.
- C. The proposed use shall minimize adverse impacts on the environment, traffic and congestion, infrastructure, or governmental services.

Staff Recommendation:

Recommend approval of the Conditional Use Permit amendment with the following conditions:

- 1. Limit usage of the ground and basement floors of the building at 118 S Silver, and the entire building at 120 S Silver.
- 2. Limit Loading and Truck Access:
 - a. Silver Street cannot be blocked at any time. Miami and Gold can be partially blocked for maneuvering to the alley (between Wea and Miami). Any time in which a street is to be partially blocked, the business owner must provide traffic control.
 - b. Prohibit delivery vehicles from projecting into the street or blocking site triangles at intersections.
 - c. Limit times of delivery to the established hours of operation.
- 3. Control rodents by using an integrated pest management approach that includes environmental sanitation, proper product storage, rodent-proofing, trapping, and poisoning.
- 4. No exterior storage allowed.
- 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.

Discussion:

Commissioner Cowman asked if staff had received any communication from recipients of the public hearing notification. Gabbert advised the Miami County Planning Department reached out and asked for general information on the request. County Planner Kenneth Cook told staff he was glad to see businesses in Paola growing. The applicant, Rob George gave a brief overview of the request for the CUP amendment. He added that the buildings at this location have been added to the state and national historic registry, and the business owner plans to keep the business going.

Commissioner McLean made a motion to close the public hearing. Commissioner Dees seconded the motion, and all commissioners voted in favor. Commissioner Hayes asked George where the loading for the business takes place and he advised it was in the street, but does not cause any issues with motorists. Commissioner Cowman made a motion to approve the amendment to the CUP. Commissioner Parks seconded the motion and all commissioners voted in favor.

Item 5. Request for a deviation from sign requirements, at 2100 Baptiste Dr.

Zoning Administrator Gabbert provided the following information on a request for a deviation from sign requirements at the Miami County Medical Center:

Background:

Staff received an application for additional signage at the Miami County Medical Center. The proposed signage is for the main entrance drive-up area on the front of the building. Section 07 of the Land Development Ordinance (LDO) provides the signage requirements, and limits buildings in the Thoroughfare Access District to 3 signs.

This application accompanies several other sign permit applications, to replace all of the current Olathe Health System signs to the University of Kansas Health System. In March of 2009, the Planning Commission approved a deviation from the maximum number of signs for this property, which included the addition of the doctor's building signs. In reviewing the previous request, staff noted that additional signage on this building is important due to the nature of the building.

Brief and Findings:

The Planning Commission shall use the following criteria when considering a sign deviation:

- A. **Purpose And Intent Of Code:** Is granting of the deviation in compliance with the general purpose and intent of the City's signage regulations? *The intent of the sign regulations is to "preserve the desired community character and avoid confusing and cluttered streetscapes" (Division 07.000*

“Purpose”). **Staff feels that based on the nature of emergency and medical care specific signage is a necessity. Adding signs to assist patrons to a location for medical treatment would not be a detriment to this location.**

B. **Impacts On Adjacent Properties:** Will granting of the deviation adversely affect neighboring property owners or residents? Is the sign consistent or compatible with the area as a whole? **The addition of the signs will not adversely affect residential areas, as there are no homes directly adjacent, and only a couple homes near this property. It will be consistent with other signs along the Baptiste Drive corridor.**

C. **Safety:** Will granting of the deviation adversely affect safety? **Based on the nature and location of the business, the proposed signs will not adversely affect safety.**

D. **Visual Clutter:** Will granting of the proposed deviation significantly clutter the visual landscape of the area? **Staff feels that installing additional signs at this location will not create additional clutter in this area.**

E. **Site Constraints:** Are there site constraints (topography, landscaping, existing buildings or unusual building design) that substantially block visibility of the applicant's proposed signs? **There are no site constraints at this particular location that will block visibility of the proposed signs.**

F. **Lighting:** Will the proposed sign disturb nearby residential land uses or adversely affect traffic on adjacent streets? **The signs should not adversely impact residential property or traffic on Baptiste Drive, due to their setback distance.**

G. **Promotion Of High Quality - Unique Design:** Is the proposed sign of high quality and compatible with color, lighting and signs of the development and adjacent buildings? **The proposed signs appear to be of high quality, and are similar to the other signs proposed for the building.**

Staff Recommendation:

Due to the nature of the building and its uses, staff recommends deviating from the adopted signage requirements contained in the LDO to allow the additional signs as proposed.

Discussion:

Zoning Administrator Gabbert advised that it is very hard for any hospital to meet the sign requirement of a maximum of 3 signs. Commissioner Cowman added that this would help patients from out of town more easily determine what part of the hospital they needed to go to. Commissioner McLean moved to approve the deviation. Commissioner Dees seconded the motion, and all commissioners voted in favor.

Item 6. Community / Economic Development Director Report.

Zoning Administrator Gabbert presented the following information:

1. Permits year to date = 127

2. General

- a. Kimley-Horn has begun the SS4A TSAP for Paola.
- b. New business on the square coming soon at 23 W W Wea.
- c. Spring cleanup, Waste Management picked up 83 tons of trash.
- d. Fiber boring is almost done.
- e. San Jose Mexican Restaurant got their permit for the remodel of 1309 Baptiste Dr.
- f. Netherfield Kaskaskia Place received their state lodging license and fire marshal's inspection, they are complying with their conditional use permit.

3. City Council

- a. Anthony Hugo is the new Ward 2 council member.
- b. Tiny Homes site plan was approved. They are looking to start on site development in the next couple weeks.
- c. Dangerous structures public hearings.
- d. 115 W Wea will be open for bids with a minimum of \$255,000.
- e. Miola Dam project is getting closer to being finished.

4. May Planning Commission

- a. Nothing yet.
- b. Will be working on going through conditional use permit reviews in the coming months.
- a.

There was some discussion on the removal of the CUP requirement for home daycares. Commissioner McLean inquired about the status of the closed Casey's locations. Gabbert advised he had not heard anything new about them.

Item 5: Adjournment

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