



APPROVED

PLANNING COMMISSION /  
BOARD OF ZONING APPEALS  
AUGUST 19, 2025 MEETING MINUTES

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

**Commissioners Absent:** Parks

**Others Present:** Mitch Gabbert - City of Paola, Derrik Brown, Daniel Chadwick, Jennifer Chadwick, Phyllis Hollinger

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

**Item 2:** **Consideration of minutes from the July 15, 2025 meeting.**

Commissioner Cowman called the meeting to order. The next order of business was the consideration and approval of the minutes from the July 15, 2025 meeting.

*Commissioner McLean made a motion to approve the July 15, 2025 meeting minutes. The motion was seconded by Commissioner Maurer with Commissioners McLean, Cowman and Maurer voting in favor. Commissioners Hayes and Dees abstained, as they were absent from that meeting.*

**Item 3:** **Public Hearing** - Consideration and vote to recommend approval of a Conditional Use Permit for “Refrigerated Warehousing” at 610 N Silver St.

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

Zoning Administrator Mitch Gabbert presented background information on the application for a Conditional Use Permit for 610 N Silver St. Applicant Francisco De LaTorre would like to install refrigerated storage units for bulk storage of perishable ingredients used for their family's restaurants, El Potro. This use is considered a mini warehouse which falls into the Heavy Retail and Service category, which is a conditional use in the TA zoning district. Two walk-in freezers would be installed underneath the existing canopies outside the building; a large unit would be placed at the rear of the building and a smaller unit on the side of the building.

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. *The lot is zoned as Thoroughfare Access; according to the Comprehensive Plan, design requirements provide a Thoroughfare Access character while encouraging pedestrian and automobile access. The district's intensity accommodates most community commercial and business activities.*

The proposed use shall be compatible with the character of land in the immediate vicinity. *Zoning allows for both commercial and residential development. Applicant's lot is next to other commercial and industrial developments. Due to the irregular lot size, shape and limited building space, the proposed use would be understandable for this property.*

The proposed use's design shall minimize adverse effects, including visual impact of the proposed use on adjacent lands. *The design does not include any lighting to disturb surrounding properties. The larger walk-in freezer will be placed behind the existing building, which will minimize the visual impact on the traveling public and surrounding uses.*

The proposed use shall minimize adverse impacts on the environment, traffic and congestion, infrastructure, or governmental services. *Applicant's proposed walk-in freezers will be placed in an area that minimizes impacts on the surrounding environment. The majority of this lot is existing concrete from the previous use. The use should not impact traffic, infrastructure or governmental services.*

Gabbert stated staff recommends this conditional use to be approved with the following conditions:

1. No overnight parking is permitted.
2. Deliveries shall be made off street and not block any part of Silver St.
3. A decorative fence or screening shall be installed to screen the units from view.
4. If the intensity of the use changes, the owner shall request an amendment to the CUP.
5. A review of compliance shall be made by the Zoning Officer to the Planning Commission one year after issuance. If deemed necessary, subsequent annual reviews may be requested by the Planning Commission. Such reviews are not subject to publication, notification and public hearing requirements. If the applicant is requesting an amendment to the CUP, the notification shall follow the same procedures as the original CUP request.
6. 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.

Gabbert shared staff findings that the application and conditions for approval are consistent with §21.220 of the LDO and the application will not be detrimental to the health, safety or general welfare of the community.

*Public Comment*

There were no public comments made during the meeting.

Gabbert shared that a resident who lives near the property came into City Hall with some concerns about lighting spillover. He advised that there are requirements in the Land Development Ordinance that address lighting spillover.

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

*Commissioner Dees made a motion to approve the Conditional Use Permit. The motion was seconded by Commissioner McLean with all Commissioners voting in favor.*

**Item 4.     Public Hearing** - Consideration and vote to recommend approval of a Conditional Use Permit for “Automotive Sales” at 125 W Peoria St.

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

Zoning Administrator Mitch Gabbert presented background information on the application for a Conditional Use Permit for “Automotive Sales” at 125 W Peoria St. Applicant Daniel Chadwick owns and operates JDC Motor Group LLC, whose primary business is online auto sales and transportation services. Mr. Chadwick’s business model is the acquisition and sales of used vehicles through digital platforms, which must be supported by a licensed office location as required by the Kansas Department of Revenue. This office location at 125 W Peoria will serve as an office for JDC’s online sales and coordination of transportation services.

Gabbert shared that the proposed use must be consistent with the City of Paola’s Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use. *This lot is zoned as Downtown, which allows for many different types of uses, including offices.*

The proposed use shall be compatible with the character of land in the immediate vicinity. *Zoning allows for both commercial and residential development. Applicant's lot is next to other commercial developments as well as multi-family residential. Due to the low level of intensity of the proposed use, staff believes it would be acceptable for this property.*

The proposed use's design shall minimize adverse effects, including visual impact of the proposed use on adjacent lands. *The design does not include any lighting to disturb surrounding properties. The applicant would like the ability to store a couple vehicles behind the building on this property, while they are in between being picked up and delivered.*

The proposed use shall minimize adverse impacts on the environment, traffic and congestion, infrastructure, or governmental services. *Applicant's proposed use will minimize impacts on all of the above as its main function will be an office.*

Gabbert stated that staff recommends this conditional use to be approved with the following conditions:

1. On-site temporary vehicle storage/parking shall be limited to 4 vehicles.
2. All vehicles kept on the property must be in operable condition at all times.
3. A review of compliance shall be made by the Zoning Officer to the Planning Commission one year after issuance. If deemed necessary, subsequent annual reviews may be requested by the Planning Commission. Such reviews are not subject to publication, notification and public hearing requirements. If the applicant is requesting an amendment to the CUP, the notification shall follow the same procedures as the original CUP request.
4. 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 (LDO). 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.

Gabbert shared staff findings that the application and conditions for approval are consistent with §21.220 of the LDO and the application will not be detrimental to the health, safety or general welfare of the community.

#### Public Comment

Phyllis Hollinger, owner of 119 W Peoria, expressed that her only concern was for the number of vehicles associated with this business and that the staff recommendation limiting parking to four vehicles addressed this concern.

Gabbert shared that he had received two phone calls about this proposal. Hannes Poetter, owner of a building across the street, was concerned about parking in his lot. The owner of the Edward Jones business down the street called for more information about what they were doing.

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

Commissioner McLean wanted confirmation that there was space adjacent to the alley for four vehicles and to know whether any vehicle maintenance would take place on the site. Gabbert confirmed that they had ample space on their property for four vehicles. The applicant was present and said all vehicles would be in operating condition and at most there may be some cleaning or detailing done onsite. McLean also asked whether any vehicles would be parked on public property. The applicant came to the podium to address further questions. He said they have ample space for vehicles parked at an angle behind the building and not interfering with the public alley.

*Commissioner Hayes made a motion to approve the Conditional Use Permit. The motion was seconded by Commissioner Maurer with all commissioners voting in favor.*

**Item 5: Request for deviation from sign requirements at 1309 Baptiste Dr.**

Zoning Administrator Gabbert stated that staff had received an application for additional signage at the new San Jose Mexican Restaurant. The proposed signage location is in front of the business at the edge of the sidewalk. Section 07 of the Land Development Ordinance (LDO) provides the signage requirements, and limits businesses in a multi-tenant building to having one sign on the overall development sign, and one sign on the front of their space of the building.

The additional sign being requested consists of 3 dimensional letters, which stand approximately 4' tall, and are bolted to the concrete in front of the business. The business owner has advised the intention of the sign is more for decoration and something visitors can take a picture with, rather than advertisement purposes.

Gabbert presented the following criteria for the Planning Commission to use 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 the proposed sign's intention of being something that people can take pictures with and would enhance the community character. Staff does not feel the location of the sign makes the area look cluttered.*
- 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 sign will not adversely affect residential areas, as there are no homes directly adjacent, and only a couple homes near this property. While the sign is brightly colored, staff feels it does not detract from the area as a whole.*
- C. **Safety:** Will granting of the deviation adversely affect safety? *The proposed sign will not adversely affect safety, as it does not project into the parking area or block line of sight for traffic.*
- D. **Visual Clutter:** Will granting of the proposed deviation significantly clutter the visual landscape of the area? *Staff feels that installing additional sign at this location will not clutter the landscape 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 sign should not adversely impact residential property or traffic on Baptiste Drive, due to its 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 unique to this building.*

Gabbert discussed the evolution of buildings in the area and the brighter colors of buildings such as Walmart. Commissioner Cowman asked for clarification on the signs

San Jose has placed and the sign requirements for multi-tenant buildings. Commissioner Hayes expressed a safety concern of children climbing on the letters. Commissioner McLean discussed how the bright colors vary from the original intent of the city entryway. Cowman discussed the potential for future conflicts and an influx of deviation requests. There was further discussion about the subjective nature of these cases, enforcement of the LDO, limiting access to the parking lot from the sidewalk and visibility of the signs.

*Commissioner Dees made a motion to deny the deviation from sign requirements. The motion was seconded by Commissioner McLean with all commissioners voting in favor.*

**Item 6: Design Review for painting at 1305 Baptiste Dr.**

Gabbert provided the following background information. The owner of the existing multi-tenant building located at 1305 Baptiste Dr. would like to paint the building. As this property is within the City Entrance standards, special design guidelines as provided in §15.220 City Entrance Standards must be met. The following building standards shall be applied to the design review of non-residential uses:

**Materials.** Masonry materials including integrally colored textured block, brick and stone with unpainted finishes are required on all street exposures. The use of stucco or exterior insulated finish system may also be permitted. Metal is not a permitted exterior finish material. On Baptiste Drive, the materials should be selected to complement and blend with the high school and hospital. (Ordinance 2799, 06/11/02)

- A. **Colors.** The basic colors shall be earth tones or brick colors. The Baptiste Drive area shall use tones that are consistent with the hospital and high school. No important buildings existed as of the date of adoption of this Ordinance at the other two City entrances. The Planning Commission should review the first buildings in these areas and select a range of colors that can be extended to the rest of the corridor.
- B. **Style.** There is no single style that is mandated for the entrance area. However, building elevations should be sensitive to the scale and style of neighboring buildings. Design themes that reflect the city square band shell should be strongly considered. If a business park is the proposed use, an overall design guideline should be approved.

Staff recommendation is that while the proposed painting of bricks does not fully conform to the LDO, multiple buildings in the entrance area have been approved to do

the same previously. Staff recommends the approval of the Design Review submitted for 1305 Baptiste Dr.

Commissioner Cowman presented some history of the City's long-standing focus on earth tones on Baptiste with the exception of three businesses with a national presence. Commissioner Maurer discussed her support of the black roof but preference for a light grey or cream color instead of a bright white.

*Commissioner Maurer made a motion to deny the design review. The motion was seconded by Commissioner Hayes with all commissioners voting in favor.*

**Item 7: Community / Economic Development Director Report.**

Zoning Administrator Gabbert presented the following information:

1. Permits year to date = 357
2. General
  - a. MFH tiny homes development permit issued
  - b. 3 new single family home permits
  - c. Demo of barn notice to proceed
  - d. 209 N Pearl demo
  - e. New salon going in at 1012 N Silver
  - f. Talk of The Town moving to square
  - g. Permit for 3 new apartments on the square issued
3. City Council
  - a. 115 W Wea bid awarded to Victoria Lowman
  - b. 110 E Peoria update on grant process
4. September Planning Commission
  - a. Nothing so far, but hoping for a plat application in October.

**Item 8: Adjournment**

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