

**LOUISBURG CITY COUNCIL
REGULAR MEETING
JANUARY 3, 2022
6:30 P.M.**

<https://boxcast.tv/view/louisburg-city-council-1-3-22-589753>

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. CONSENT AGENDA
 - A. Adopt Agenda
 - B. Approval of Minutes of the Regular Meeting December 20, 2021
 - C. Approval of the Bills
4. RECOGNITION OF SCHEDULED VISITOR
5. PUBLIC COMMENTS: Persons who wish to address the Mayor and City Council regarding items not on the agenda may do so at this time. Speakers will be limited to three (3) minutes. Any presentation is for informational purposes only. Please state your name and address.
6. DEPARTMENT REPORTS
7. CITY ATTORNEY'S REPORT
8. MAYOR'S REPORT
9. ADMINISTRATOR'S REPORT
 - A. Master Planning Review Continued
 - B. South Rockville Road Cost Share
10. COUNCIL/COMMISSION REPORTS
11. EXECUTIVE SESSION
 - A. Non-Elected Personnel – Administrator Evaluations
12. ADJOURNMENT

**CITY OF LOUISBURG, KANSAS
MINUTES OF THE REGULAR MEETING
DECEMBER 20, 2021**

Live stream link: <https://boxcast.tv/view/louisburg-city-council-12-20-21-705126>

The Council of the City of Louisburg, Kansas, met at 6:30 p.m. in regular session in the City Hall Council Chambers. Mayor Marty Southard presiding. Councilmember TJ Williams was absent.

Council Members: Steve Town, Scott Margrave, Donna Cook, Sandy Harris
City Administrator: Nathan Law
City Attorney: Jared Anderson
Finance Director: Richard Mikesic
Police Chief: Tim Bauer
Fire Chief: Gerald Rittinghouse
Public Works Supervisor: Craig Hufferd
Communications Coordinator: Jean Carder
Visitors: Miami County commissioners Rob Roberts and Phil Dixon; Jake McKellips; Troy and Vicky Murray; Chad Rowe

PLEDGE OF ALLEGIANCE

Councilmember Scott Margrave led the pledge of allegiance.

APPROVAL OF CONSENT AGENDA

Councilmember Donna Cook had a question about a public works bill. Administrator Law and Hufferd explained. Councilmember Cook asked a question about a bill for public works. Public Works Supervisor Hufferd answered that question. Councilmember Sandy Harris moved, seconded by Councilmember Margrave and carried 4-0, to approve the consent agenda to include adaption of the agenda and approval of the regular meeting minutes of Dec. 6, 2021, and the bills list.

SCHEDULED VISITORS

Miami County Commissioners – Miami County Commissioner Phil Dixon, representing the Louisburg district, and Rob Roberts, commission chair, presented Mayor Marty Southard with a proclamation honoring him for his 7 years of service and further told Council that Dec. 20 has been proclaimed as Mayor Marty Day in Miami County.

Jake McKellips – a Louisburg area resident whose family owns Rodeo Gold Productions asked the Council for permission to conduct a rodeo at Lewis-Young Park on July 2 this summer. Councilmember Steve Town asked what part of the park would be used for the rodeo. Mr. McKellips said the tractor pull area. He said he had already spoken with the Park & Tree Board who recommended use of the park for the event. Mr. McKellips said there would be no

road closures associated with the rodeo and no alcohol would be allowed. This will be a family-oriented event, he said, with mutton busting and a calf scramble for the kids. He said he is requesting approval for the event and to answer any questions Council might have.

Councilmember Town asked when the start time would be. McKellips said probably 7 or 7:30 as the sanctioning organization will make that determination. It is a one-day event. If there are an overflow of contestants, there would be a round at noon. The event itself will take about 3 hours. It's all torn down the next day and no stock is kept at the park overnight. Mr. Law said the Park Board's only request to see if it could move closer to the 4th of July to tie in more with Freedom Fest activities. Councilmember Margrave asked if EMTs would be on scene. McKellips said the rodeo association requires a paramedic to be on site and Rodeo Gold manages that.

Councilmember Town moved, seconded by Councilmember Cook and carried 4-0, to approve the July 2 rodeo at Lewis-Young Park by Rodeo Gold Productions.

Troy & Vicky Murray – The Murrays would like to develop their property at the southwest corner of Amity & Rockville but recently learned a sidewalk will need to be installed that parallels Amity. They asked if the City offers any assistance with the sidewalks. They had met with the Planning Commission in November for an informal discussion of the project and had received positive feedback and the Murrays said they were agreeable to development stipulations as discussed at that meeting. After that meeting, they found out from City Staff that a sidewalk would be necessary along Amity. They understand the City shared the cost of sidewalks with the Rockville apartments along S. Rockville Road. Administrator Law said there were a lot of infrastructure costs to the Rockville improvements. Councilmember Cook asked if the city paid for the sidewalks. Mr. Law said he is not sure if the sidewalks were part of the scope but if they were then that cost was shared and if it was not, then the City paid to install the sidewalks. Mayor Southard asked if the sidewalks were discussed with the Murrays during the Planning Commission. Mr. Law said it was overlooked during that discussion. Councilmember Cook asked what the cost is to install the sidewalk. That cost is unknown, Mr. Law said, but when Staff looked at connecting corridors in the old part of town pricing was estimated at \$15 per square foot. Councilmember Cook asked if it has to a 5 ft. wide sidewalk. Mr. Law said that width may not be required. Mr. Hufferd pointed out that KDOT would have minimum standards, which may require 5 ft wide or greater walks. Councilmember Cook would like to know what the City might have paid for the Rockville sidewalk. Mayor Southard suggested having Staff research that question and Council can discuss at a future meeting in January. Mr. Murray said they don't want to put money into engineering the project unless there is sufficient support. Mayor Southard said it could be discussed at the January meeting.

PUBLIC COMMENTS

Chad Rowe told Council he has talked to Rusty Whitham who told him that because of water running over the road in the past at S. 16th that the ditch should be reshaped on Rowe's property side of S. 16th Street where property is being developed. Mr. Law said the need to have the ditch reshaped was discussed during the approval process for the development during the Planning Commission meeting and everyone was agreeable although it was not specified in the stipulations. Mr. Law said it is staff's desire to have the ditch reshaped to prevent future

downstream flooding. Mr. Rowe said he has followed the stipulations. Discussion occurred. Mr. Rowe said the City can remove the culvert and rock and reshape the ditch and he would replace the material when the City is done. Councilmember Cook asked Mr. Hufferd if city crews could do the reshaping. Hufferd said they could. Mr. Law reminded Council since this is a public comment item no action can be taken but the discussion is noted.

DEPARTMENT REPORTS

Finance – Rick Mikesic introduced himself to Council and told of his background with his previous government employer for 22 years. Mr. Law told Council that Mr. Mikesic has been working diligently to get caught up.

Fire – Chief Rittinghouse thanked Mayor Southard for his years of service.

Police – Chief Bauer had nothing to report but did thank the Council for the recent employee lunch and holiday amenities.

Public Works – Hufferd informed Council that an employee will be leaving the department and staff will advertise to fill the wastewater operator position.

City Attorney – City Attorney Anderson said he has been working with the police department on a recent subpoena issue. He also thanks Mayor Southard for his service to the community.

MAYOR'S REPORT

Administrator evaluation - Mayor Southard said he is working on the evaluations and would like to have an executive session at the next meeting.

Cereal Malt Beverage licenses – Mayor Southard said renewals are ready for BP, Casey's, Price Chopper, Shell and Amoco. Councilmember Town moved, seconded by Councilmember Cook and carried 4-0, to approve CMB licenses for these businesses.

ADMINISTRATOR'S REPORT

Master Planning Review – Administrator Law said this agenda item rewinds the clock to about a year ago when the same item was discussed. He said last year it was discussed to have a citizen-lead review and his recommendation is to let Staff handle that. He said Planning Commission has recently been discussing different regulations, in particular signs, to see if any changes are warranted.

Administrator Goals Update – Mr. Law asked for any updates or changes. Councilmember Cook asked if there are delays for inspections. Mr. Law said no, not really. That issue was raised when he was first hired but adjustments have been made with Staff handling rebar/concrete inspections and providing documentation to the inspector which has seemed to solve that issue. He said the building plans and review process goes very quickly. Councilmember Cook asked about the capital improvement fund. Mr. Law said it is established but may not be the best remembered document for mid- to long-term planning. Councilmember Cook asked what quality of life is and asked if that goal is generic on purpose. Mr. Law said it is

and in knowing that Louisburg is primarily a bedroom community that quality of life is important to current or future residents. The sidewalk discussion earlier is a good example of this, he said, because of our efforts to make sidewalk connections. Mayor Southard asked if Council was happy with the list. Councilmember Harris moved, seconded by Councilmember Margrave and carried 4-0, to approve the goals as listed.

Personnel Pay Consideration – Mr. Law said this is the time of year we talk about pay considerations for the upcoming year. He said the cost of living is going up and a recent 6.8% CPI was as high as it has been for 30 years. Mr. Law provided Bureau of Labor statistics for living costs for potential pay considerations. He said the budgeted 5% for COLA and pay for performance will not cover the 6.8% CPI. He said the question is would the Council be willing to adjust to make up the difference. Mayor Southard asked Councilmembers for their thoughts. Mr. Law pointed out that insurance costs are expected to increase 10-12% and they have seen a 7.04% increase since the June renewal. Mr. Law reminded Council that employee premiums are 100% covered and the City pays half of dependent premiums. Mayor Southard said he realizes that not all councilmembers may agree with him, but he firmly believes you have to take care of employees and right now we need to keep the good employees we have as there are lots of jobs out there. He also said there have been times in his professional life that he's received a raise but actually loses money because insurance costs go up so much. Mr. Law said a COLA is not a pay raise as an employer you are trying to cover increased costs such as insurance and other cost of living needs. Councilmember Town said he agrees with the Mayor that we need to take care of employees and they are visual representatives of the City. Councilmember Cook said COLA and merit increases should remain at 5%. Mayor Southard said he understands that point but hopes the Council keeps in mind that we are just 15 miles away from Johnson County and a host of jobs where employees would be able to make significantly more money. He said when we lose an employee, we spend considerable time and money training a new employee. He said by retaining employees we save money in the long run. Mayor Southard said we at least need to try and keep up. Councilmember Town asked if there are any other accounts that we could draw from for merit and leave it at 5% in the General Fund. Mr. Law said there are four funds – three utility and one general – that currently fund salaries. The source of the funding does not change the overall cost of pay consideration, just shifts where it is paid from. Discussion occurred. Councilmember Town moved to use the 5% for COLA and up to 2% for merit. Councilmember Harris seconded the motion which passed 3-1 (Cook). Councilmember Harris asked how merits are determined. Mr. Law said the same or similar evaluation tools are used for all departments and are the basis for pay consideration.

Starbrooke Sewer Lift Station – Staff sought three bids to replace a 15-year-old lift station which was included in this budget year. The low bidder was Ray Lindsey Company at \$98,859. Councilmember Cook asked if that amount is for equipment or labor. Mayor Southard said 25% of the cost is on the current bills list as that is what the company required as deposit but if the item isn't approved that bill would not be paid. Hufferd said this firm has installed the N. Broadway station and they are also used for repairs. Hufferd said equipment was ordered in February but is just now available. Councilmember Cook asked if lift stations are replaced every 4-5 years. Hufferd said no, these units generally have at least a 15-year life span. Mayor

Southard asked how many lift stations we have. Hufferd said there are eight. Discussion occurred. Councilmember Town moved to have Ray Lindsey Company install the pump station. Councilmember Margrave seconded the motion. Councilmember Cook asked if this company is the same one we have used previously. Hufferd said they are. Motion carried 4-0.

COUNCIL REPORTS

Councilmember Town – no reports

Councilmember Margrave – He said he has been approached several times about the lack of a stoplight at Sutherland Dr. and Amity near the new Casey's. Mr. Law said staff has reached out to KDOT to have a traffic study and we are on the list. There is a series of criteria to allow for a light. Mr. Law reminded Council that KDOT has approved a stoplight at the offramp from northbound US 69 to Amity.

Councilmember Cook – She asked if the recent water leak near Rogers Road and S. Fourth St. would be cleaned up. Hufferd said yes it will be leveled out once the dirt dries out.

Councilmember Harris – He would like to thank all departments for a great year of service for the community. We are proud of the department heads and hope we can keep everyone for a long time and thanked them for their diligence.

He asked about January meetings. Mr. Law said there will be a regular meeting Jan. 3, a special meeting Jan 10 to install new council members and the third meeting in January is on Tuesday, Jan. 18 due to the Monday holiday that week.

ADJOURNMENT

At 7:44 p.m. Councilmember Harris moved, seconded by Councilmember Cook and carried 4-0, to adjourn the meeting.

Approved:

Marty Southard, Mayor

Attest:

Jean Carder, acting recording secretary

BILLS LIST 1-3-22

| | | |
|----------------------------|-------------------|--------------------------------|
| 360 DOCUMENT SOLUTIONS | 210.00 | SERVICE/SUPPLY CONTRACT - PD |
| ADP, INC | 337.55 | PAYROLL SERVICES |
| BAZIN SAWING & DRILLING | 275.00 | SERVICES - STREETS |
| BHC CIVIL ENGINEERING | 152.51 | K68 UTILITY RELOCATION |
| BLACK HILLS ENERGY | 72,232.73 | GAS CONTRACT |
| CITY OF LOUISBURG | 75.00 | GAS SURVEY WINNER #824102 |
| CREATIVE PRODUCT SOURCE | 109.00 | SUPPLIES - POLICE |
| CROSSLAND HEAVY CONTRACT | 355,778.70 | WWTP SRF PAY APP #33 |
| DIGITAL CRAYON PRINTSHOP | 1,041.05 | UTV TAGS - ADMIN |
| ELLIOTT INSURANCE INC | 36,543.00 | QUARTERLY INSURANCE - ALL |
| GERKEN RENT-ALL, INC. | 10.00 | SUPPLIES - PWD |
| GT DISTRIBUTORS | 2,764.50 | EQUIPMENT - POLICE |
| INDELCO | 812.44 | EQUIPMENT - PUA |
| INDUSTRIAL SALES CO | 141.56 | SUPPLIES - PWD |
| JJ CLEANING | 1,000.00 | CLEANING SERVICES - ADMIN,PD |
| JOHN DEERE FINANCIAL | 1,071.23 | EQUIPMENT,SUPPLIES - PWD |
| KANSAS STATE TREASURER | 1,683.50 | COURT COLLECTIONS |
| LAMP, RYNERSON & ASSOC. | 7,726.50 | WWTP - FINAL DESIGN |
| LANCASTER BROTHERS HEATING | 135.00 | SERVICE - FIRE |
| LOUISBURG ANIMAL CLINIC | 225.00 | ANIMAL CARE - POLICE |
| MIAMI COUNTY AUTO | 162.91 | REPAIRS - ADMIN |
| MILLER PLUMBING CO | 185.00 | SERVICES - POLICE |
| MULTIPLICITY LLC | 13,328.16 | EQUIPMENT - POLICE |
| OLSSON ASSOCIATES | 8,245.00 | STORMWATER PROJECT 020-30400 |
| PACE ANALYTICAL | 555.00 | TESTING - WASTEWATER |
| PEREGRINE CORP. | 1,586.55 | UTILITY BILLS |
| QUILL | 146.19 | SUPPLIES - ADMIN |
| SECURITY 1ST TITLE LLC | 1,900.00 | TITLE SEARCHES - BZ |
| SIMMONS DEVELOPMENT CO | 8,400.00 | SIMMONS AGREEMENT - VILLA LANE |
| STAPLES ADVANTAGE | 218.62 | OFFICE SUPPLIES - ADMIN |
| STARK BORING CO INC | 1,200.00 | SERVICES - WATER |
| WOLVERINE SEALCOATING | 70,625.00 | ANNUAL STREET WORK |
| CLAIMS TOTAL | 588,876.70 | |

Memo

To: Louisburg Governing Body

From: Nathan Law

Date: December 29, 2021

Re: Master Planning Review Continued

Background: Included as part of the administrative goals list is a regular review of master planning projects, goals and objectives. This is the second section of the City Strategic Plan, as found within the Bright Future Comprehensive Plan.

Facilitate Downtown Revitalization Activity:

1. Explore potential funding sources for façade/building rehab.
2. Explore creation of additional incentive program to support new downtown business start-ups/entrepreneurial activities.
3. Review potential barriers, regulatory or financial, to encourage upper floor development.
4. Create program/initiative to assist downtown property owners to rehab ground floor & upper floor(s) for new use.
5. Review contents of 2014 Downtown Louisburg Revitalization Plan on a yearly basis for implementation activities.
6. Identify available storefront/willing owner to create short-term pop-up space.

Council recently extended the FLIP for façade/building rehab for 2022. However, there is not currently funding made available for interior building rehabilitation. Staff has been reviewing possible ways to encourage downtown renovation of buildings for current or future efforts. It may be possible to expand upon the current FLIP, enhancing it with additional funding for interior renovations, allowing a set quantity of funding to be made available each year with similar matching criteria as the current FLIP process. While this would not encompass incentivizing start-ups, entrepreneurial activities, or short-term pop-up spaces, it may help address yet another administrative goal of filling retail space.

The Downtown Louisburg Revitalization Plan may be found at - <https://www.louisburgkansas.gov/DocumentCenter/View/180/Downtown-Louisburg-Revitalization-Plan---Jan-2014>. Attached with this memorandum are images of the downtown area and highlights included in the plan. The following goals are included in this plan:

- Louisburg will promote land use and development patterns that encourage appropriate redevelopment and promote a civic presence in Downtown Louisburg.
- Louisburg shows and shares community pride by maintaining and expanding community events and activities downtown.
- Louisburg will work to expand opportunities and provide assistance for new and existing businesses.
- Louisburg will find ways to promote visibility of downtown and increase access by vehicle and pedestrians.
- Louisburg will strive to maintain its small town character through downtown aesthetic enhancements.
- Louisburg will upgrade its infrastructure in downtown to address deferred maintenance, and connectivity and drainage issues.

Each of the listed goals has a series of objectives that may be found on pages 2-3 to 2-12 (pages 21-30 of the pdf document).

Currently there is funding available for façade improvements to building, but not rehabilitation of interior space. Upper floor residential use is allowed in the current downtown area. Consideration may be paid for a program/initiative to assist with rehabilitation of ground or upper floor for new use.

Financial Consideration: Downtown revitalization may be funded locally similar to the existing FLIP process for façade improvements. Local funding would avoid the limitations under the Downtown Redevelopment Act that disqualifies buildings based on vacancy rate of the downtown area and average appraised valuation increase over previous 10 years, both of which may disqualify the downtown area.

Additional funding may be sought by the City through Community Development Block Grant funding on an annual basis to address determined blight by preventing its spread to other nearby structures, allowing for funds to be made available to specific renovation projects in a downtown commercial district.

A short-term funding opportunity had been made available through the Kansas Department of Commerce to help revitalize underutilized, vacant and dilapidated downtown buildings in rural Kansas. Unfortunately, staff was unable to connect building owners or projects with these funds in the allotted timeframe for grant funding—announced November 4 and application deadline December 20 for non-emergency projects.

Legal Consideration: None.

Recommendation: Discuss as desired and direct accordingly.



Future Downtown Plan Map

The physical framework for the Downtown Louisburg vision is embodied in the Future Downtown Plan Map, which depicts future land use and circulation elements of Downtown Louisburg.

The future Downtown Plan Map identifies the location of a variety of land uses that are important to building and sustaining future success in Downtown Louisburg. As can be seen on the map residential, commercial and civic land uses make up the core future development pattern, supported by an integration of public open spaces and parking opportunities. The future land use and development pattern is placed on a framework of streets with specific identities and functions that provide a comprehensive circulation and accessibility network for Downtown Louisburg.

This framework is further described through the goal and objectives statements, and supportive narrative and graphics that follow.



Memo

To: Louisburg Governing Body

From: Nathan Law

Date: December 29, 2021

Re: South Rockville Road Cost Share

Background: At the last meeting Council was approached about possibility of shared funding for a required sidewalk along K68/Amity, with a question posed to staff regarding the cost share of S. Rockville Road project between the apartment complex and the City. Staff previously compiled meeting minutes of former project discussions in 2016 to recap decisions along the way of the estimated project costs and cost sharing between various properties (see attached compilation of meeting minutes). Staff used that background when discussing the pending S. Rockville Road improvements to be engineered in 2017 for construction work in 2018.

In review of the attached minutes, discussion of road improvements to be paid by the apartment project included at one time the cost of sidewalks, stormwater, and half of the street infrastructure. At the time of estimating the cost, the agreed upon cost share ended up being half of \$360,000 cost to upgrade 900 linear feet (LF) of S. Rockville Road, from the north property line of the apartment project to the south curve of S. 5th Street East. The discussion previous included extending only to the south curve of S. 4th Street East (less than 600 LF) but changed as the linear footage of the project was then estimated at 900 LF. It was discussed whether the project should include road improvements from K68/Amity during the ongoing negotiation, but was not agreeable at the time. In 2017 staff presented two project bids, the lower of which was \$558,420.51 for roadway improvements from K68/Amity to the south curve of S. 5th Street East, noting that a previous project estimate for 1,200 LF totaling \$425,600 was budgeted for in 2018 Streets Fund. The difference in bid over estimate was accommodated with Streets Fund for the project.

In review of the original cost estimate for this project, the apartment complex was willing to pay for sidewalk, stormwater, and half of street infrastructure for approximately 600 LF of work from the north end of the apartment complex property to S. 4th Street East. The City increased the project scope to 900 LF (apartment complex to S. 5th Street East) which is the source of the overall project estimate of \$360,000 with the half cost of \$180,000 to be paid for by the apartment developer. The apartment property is 400 LF accounting for 44% of the 900 LF project, with the development paying for half the estimated total cost. \$180,000 as a cost share falls somewhere between 44% of overall cost of the 900 LF project

(\$156,957) and cost share for half of all 900 LF street work plus the entire cost of sidewalks and stormwater (\$214,585). The average of those two figures is \$185,771.

In 2016-2017 the S. Rockville Road project was expanded to reach north to K68/Amity based on use of the roadway at that time as the primary approach to reach the apartments. Historical discussion includes a lack of desire to see a benefit district pay for an expanded project area. At the time Council would have agreed to pay for the additional infrastructure as a means to serve the public interest. The inclusion of sidewalk north to K68/Amity was intended to connect to sidewalks on N. Rockville Road, allowing the apartments and Starbrooke Subdivision to connect the entire length north to Summerfield Farms Subdivision, Harvest Glen Subdivision, Rockville Place Subdivision, and Rockville Elementary. This also includes 740 LF across the east side of the subject property discussed at the previous Council meeting.

Financial: Included above for Rockville Ridge Apartments cost share of S. Rockville Road improvements.

2022 Budget includes possible funding for sidewalk work as previously discussed.

Legal: None.

Recommendation: Discuss as desired and direct staff accordingly.

February 18, 2013 – City Council adopted Resolution:

Resolutions: Whereas, the City of Louisburg Kansas has been informed by Dean Development, Inc. that a housing tax credit application will be filed with the Kansas Housing Resources Corporation for the development of affordable rental housing to be located within the Starbrooke Subdivision in Louisburg, Kansas. Councilmember David Cannon moved, seconded by Councilmember Dave Maddax and carried 5-0, to authorize Mayor Thompson to sign the resolution (02-18-13-B).

Whereas, the City of Louisburg, Kansas has been informed by Commercial Group, Inc. that a housing tax credit application will be filed with the Kansas Housing Resources Corporation for the development of affordable rental housing to be located within the Summerfield Village development in Louisburg, Kansas. Councilmember Chuck Golladay moved, seconded by Councilmember Carolyn Karns and carried 5-0, to authorize Mayor Thompson to sign the resolution (02-18-13-C).

June 3, 2013 – City Council received Public Comment:

Billy Still representing Still Builders and Dean Development, asked the Council for assistance to allow his portion of the Rockville improvements to be front funded due to other property owners refusal to participate in the required benefit district where the Rockville Road Apartments are proposed to be constructed. A (32) unit apartment cannot support all of the road improvement costs for Rockville. The adjacent property owners are not in favor of a benefit district at this time. Still asked if the City would allow him to escrow the funds for his portion of improvements to allow the apartment project to commence. If not, there is no way the project can start. There are some engineering expenses that will be incurred, but if the City won't allow him to deviate from the road improvement policy they would rather not spend the upfront money on engineering and forgo the project. City Administrator Jeff Cantrell advised that the City has regulations that require the road to be improved to City standards if it is the primary point of access for the apartment complex. Cantrell described the regulations to the Council and stated that many of the discussion topics fall within the purview of the planning commission. The only question that is being asked of the Council is whether or not it is willing to waive the development requirements that would allow the developer to construct the apartment complex without first improving Rockville as required by ordinance. Cantrell stated it would constitute a substantial deviation from the city's current standards and would likely set an undesirable precedent. Cantrell believed that the discussion should be scoped down to avoid interference with the planning commission and its formal process. Cantrell will provide the Council with a staff report at the next council meeting where the matter will be placed on the agenda.

June 13, 2013 – Memo from Jeff Cantrell to City Council:

Owing to discussion at the June 3rd council meeting, staff has provided the following information that explains the development obligations required of Dean Development/ Still Construction. As presented, the developer wishes to front-fund his significantly smaller portion of the road improvement project to advance the timing of his apartment project. However, the prominent landowner (with controlling interest) located on the east side of Rockville, is unwilling to participate in a benefit district at this time. As such, we find that Dean's land area falls well under the prescribed amount (estimated 15-20%) for creating a benefit district. Establishing such a district is necessary to equitably fund the required street and other public improvements. Allowing new developments to utilize an unimproved road as a primary means of access is not an accepted practice and ill-advised. Under the terms of our regulations this leaves the developer and the City with the following options:

- 1) Dean Development to afford 100% of the Rockville Road improvements from the point of the proposed apartment complex to K-68.

- 2) Developer to eliminate Rockville roadway access from the project and provide access from the west. This is likely to raise concerns on the part of emergency responders and perhaps Planning Commission as well.
- 3) The Council could collect 15-20% of the project from Still/Dean while funding the remaining balance of the project. There would be no repayment mechanism to attach upon the remaining undeveloped parcels. The road improvements would include engineering, stormwater, curbs, utilities and signage. The total project would probably fall in the range of a million dollars.

The Council has the authority to modify the current ordinance, thereby eliminating the requirements for new developments to participate and share public road improvements costs – Not recommended.

June 17, 2013 – City Council heard from Scheduled Visitors:

Billy Still and David Dean appeared to discuss the possibility of the City waiving its road improvement requirements to allow their apartment project to commence. They do not want to provide access through the already constructed portion of their development due to incompatibility issues. They wish for the apartments to have primary access through Rockville Road.

Still provided conceptual drawings to the Council of the development. Mayor Thompson cautioned the group not to go beyond the intended scope of the conversation as this would infringe upon the Planning Commission's role. The question being asked of the Council is whether or not the City is willing to amend its ordinance to allow the development to occur without having the street improved, even though the applicant is willing to front fund his prorated share of the Rockville Road improvement.

Cantrell explained that this decision will help the developer know what his parameters are and if he can proceed with the project. The Planning Commission would then review the entire project.

Councilmembers asked if the road would need to be the same width as North Rockville. Cantrell believed that it would likely be narrower and that the traffic loads wouldn't be as high as N. Rockville because it was designed to handle the increased traffic load of the school which differs from South Rockville.

July 1, 2013 – City Council received Public Comments:

Carol Goldsmith of 1412 S. 3rd Street East and Jayne Schommer spoke to the Council regarding Rockville Road. If Rockville Road is not improved, the point of access for the future apartments would be to the east, resulting in increased traffic in Starbrooke Villas where the women live. The concerns they addressed are increased traffic, apportionment of street maintenance costs that are afforded with their homes association dues. Goldsmith stated she has requested a meeting with developer, Billy Still, but it has never happened. This was supposed to be a gated community and we still have not seen a gate stated Jayne Schommer. Mayor Thompson told the group they would have to watch for the developers to submit an official application then attend a Planning Commission meeting to voice their concerns.

August 19, 2013 – City Council heard from Scheduled Visitors:

David Dean and Matthew Schlicht with Rockville Apartments presented information regarding the cost of improvements of Rockville Road. Two units and a clubhouse are planned south of the Starbrooke subdivision. Due to increased traffic they want to move the entrance to Rockville Road. Estimates from the engineer for the cost of this project are \$660,000. Discussion was held on what percentage Dean is willing to contribute to the Rockville Street improvement. Dean is not able to fund the project at the 50% level, but would fund his smaller portion of the street representing 20% of the entirety of Rockville. City Administrator Jeff Cantrell said the County recently informed that South Rockville is located in city limits

but has been historically maintained as a chip and seal road by the County. Cantrell believes that any cost sharing lower than 50% by the applicant isn't worthy of a discussion. Mayor Thompson informed the Council that this amount of money represents an approximate amount of the City's total annual road budget. As proposed Dean's project would trigger city development standards and would require Rockville street improvements. Schlicht suggested that a lesser road standard be considered in order to improve the entire length of Rockville. Mayor Thompson queried Cantrell and it was confirmed that accepting anything less than the adopted standard would require an ordinance change. Mayor Thompson believes this will become a slippery slope due to inequities that it would create with other developers. Council members deliberated and came to the consensus that the City should not pay for the improvements to Rockville.

October 30, 2013 – Planning Commission received staff discussion of Subdivision Preliminary Plat Plan:

ITEM 6. 13001-SUB (Subdivision) Preliminary Plat Plan for Starbrooke Villas Subdivision

Chairperson Jean Carder gave the floor to Jeff Cantrell to update the Commission and Audience of the actions taken by Staff and the Applicant to date on the Preliminary Plat Plan. Cantrell began by stating that the plan has changed somewhat since the last time it was reviewed about five years ago. He stated that the configuration changed and density has slightly increased. There were enough modifications to the original plat that Staff felt that a review and public hearing was warranted.

Cantrell went on to explain that the current plan includes an apartment complex with a common building and primary access to Rockville Road. The reason why it was brought up to the City Council several times was to determine if the City would support funding a portion of improvements to Rockville Road. Those discussions lasted for a period of time and unfortunately, the support for funding such a costly project was not there. Currently, there is no methodology or plan to improve Rockville Road South of Highway K68. Cantrell then explained that in accordance with the Zoning Regulation, funding for improvements to Rockville Road must be secured prior to the construction the apartment complex. It was mentioned that the Applicant did try to reach out to the adjacent property owners to establish a Benefit District to establish funding to improve Rockville Road. However, the willingness by property owners to participate in a Benefit District was not there either.

Cantrell mentioned that there are additional Staff recommendations for the Planning Commission to consider:

- While the development meets the density ratio requirements, staff does not support the request due to the primary access improvements (Rockville) not being included within the scope of the project. Such improvements would require two-lane improvements, complete with storm drain, curbs, and sidewalks with a connection to K-68. The developer recently solicited the City Council to share road improvement costs but was unsuccessful in achieving such an agreement. During the same meeting the Council has made it clear that they do not wish to alter the ordinance provision that requires improved primary access. Additionally, the developer has petitioned the surrounding property owners to participate in a benefit district that would help fund the Rockville improvements, although there are no willful participants on the horizon. The prospects of other agencies or property owners cost sharing seem unlikely.
- Staff recommends a 15 ft U/E on the Rockville frontage.
- The existing 10 ft water easement that bisects the development should be increased to 15ft.
- Developer should provide at least 10 ft lateral separation from all structures for all utilities.
- Parking lot dimensions to be verified and deemed complaint with off-street parking standards.

- Excise tax in the amount of \$.12 per square foot to be assessed for the entire area of the preliminary plat, payable at the time of recording final plat.
- Parkland fee of \$200 per unit to be assessed prior to recording of final plat. Private open space shall not be credited as parkland area.
- Developer to verify with engineering report that drainage detention remains compliant with original Starbrooke platting model.
- Gas line extension to be afforded by developer, unless units are to be supplied with natural gas connection.
- Louisburg Fire recommends the construction of a storm shelter within the community building.

Cantrell ended by stating that Staff does not recommend approval of the Starbrooke Villas Subdivision Preliminary Plat Plan until funding for improvements of Rockville Road is secured.

Chairperson Jean Carder then opened the discussion up to the public. Matthew Schlicht, from Engineering Solutions, introduced himself. He stated that he was at the meeting on behalf of the Developer (Dean Development). Schlicht indicated that he thought that this is a well-designed housing plan, consisting of 90 units to include two 16-unit apartment complexes. He also stated that Starbrooke Phase 1 has some home owners living in it but it seems that that phase is slowed with little development in the past couple years. The proposed apartment complexes would be a Tax Credit/Affordable Housing project and the Developer has done research with the State and County to determine and validate that this area needs this type of housing. David Dean (Dean Development) then explained how the Tax Credit/Affordable process works. Billy Still added that the proposed housing would be income restricted and not subsidized. David Dean stated that the proposed apartment complex would not fall under a Section 8 Housing contract. However, it does fall under Section 42 of the Tax Code. Both Dean and Still stated that the proposed apartments would include family housing.

Matthew Schlicht then stated that a number of current residences from Starbrooke are at the meeting and they have worked diligently with them to explain the proposed development and resolve their concerns. Schlicht indicated that the current residents like what's being proposed and are in favor of moving forward.

Schlicht explained that the development has hit a hurdle on the needed improvements that must be done on Rockville Road. He mentioned that he's worked hard with Jeff Cantrell to come up with a solution, but have come up short when it comes to funding. The project is just not large enough to accommodate the City's requirement of improving Rockville Road. The estimated cost to improve Rockville Road will cost \$660k which will take the development out of limits. Schlicht pointed out that both 4th and 5th Street have been developed no one was required to improve Rockville Road. The Developer has offered to do a half street improvements from their north line to 4th Street East, but will consider improving down to 5th Street East. Schlicht feels that we are close to a solution that will work out for the City and Developer, but we are not there yet. He add that the Developer is more than willing to meet all the requirements and codes with the exception of absorbing all the cost associated with improving Rockville Road. The Developer is still willing to put up the money to do a half street improvement from their north line to South curvature of 4th Street, but that is as far as they can go.

Schlicht also mentioned that the original approved Starbrooke plat should have a street running through it that connects to Rockville Road. As approved today, the Developer can continue building Starbrooke Villas and not do anything to improve Rockville Road. He added that this plat was approved around 2007. Chris Lancaster asked if the original intent for Starbrooke Villas was to sell houses and not rental units. Billy Still replied yes. However, the market changed. Les Page wanted the Developer to explain further what they meant when they said that the apartments will be open to families. David Dean explained who

would be able eligible to live in his rental units to include families without age restrictions. A lengthy discussion occurred about possible individual unit rental costs and eligibility requirements to live in the apartment complex. Nate Apple asked if there are any rental units projected to be fully subsidized by the Government. David Dean replied no, but they will accept section 8 vouchers.

Andy Sauber stated that the issue at hand is the improvement Rockville Road. Schlicht agreed and added that Rockville Road is currently chip and seal and the proposed apartment complexes are only going to slightly increase the already projected traffic. He then stated that if the entire subdivision was being developed then the road improvements would be warranted. Schlicht mentioned that Rockville Road is not gravel and currently can handle the slight increase in traffic.

David Dean stated that he is willing to do his part with the improvements of Rockville Road. He just wants to find a mutually agreeable solution that works out for everyone. Schlicht again confirmed what the Developer was willing to do to improvements to Rockville Road. He restated his offer; half street improvement from their north line to South curvature of 4th Street. Nate Apple asked how much will it cost to do the road improvements. Schlicht replied about \$225-250 a foot to meet City's specifications.

Billy Still added that what we need do to figure out the development's fair share of improving Rockville Road all the way to Highway K68. Once that number is determined, the Developer will place that money into an escrow and the City can use it at a later date to improve the entire street instead of doing it piece meal.

Jeff Cantrell mentioned that when the plat was originally reviewed in 2007, it wasn't thought that the primary access to the development would be Rockville Road. Improvements to Rockville Road were not contemplated or required. Back then it was envisioned that traffic would flow through the west side of the Subdivision. Cantrell then added that when the development was first planned all phases of construction were to be similar in use and type. Now that time has passed, the following phases are not as similar as originally projected. Both the use and single access change the requirements and these changes make improving Rockville Road a necessity according the Zoning Regulation. Cantrell agrees that discussions occurred and it seemed logical that an equitable arrangement between the City and the Developer be explored to find ways to improve Rockville Road all the way down to 5th Street. Due to the size of the street project and dollar amount a simple solution was unobtainable.

Cantrell then explained some historical information concerning 5th Street East and Rockville Roads. Cantrell stated that in the early phases to planning, 5th Street East was initially planned as a cul-de-sac. At some point in the approval process 5 th Street East was allowed to be opened up to Rockville Road, without improvement, presumably for emergency access. The access to Rockville Road was likely a City imposed requirement and the costs associated with that previous decision should not be imposed against the Developer. At some point, Rockville Road must to be improved between 4th Street East and 5th Street East and that cost would likely be absorbed by the City. Cantrell reminded the Planning Commission that approving an Ordinance to improve Rockville Road is not this body's responsibility. Cantrell went on to mention that of the density of the proposed plat is about 40% and that meets City requirements. He also added that the element of affordable housing is something that could be discussed, but should not be a determinant in considering this case.

Chairperson Jean Carder opened up the discussion up for public comment. Debbie Ardy introduced herself and stated that she owns a duplex home in Starbrooke and has lived there for last 9 ½ years. She also mentioned that she was not notified of the project or public hearing. She commented that when she purchased her home, the development was intended for home ownership and not for rental units. When

she purchased her home she intended to establish a permanent neighborhood and not rental properties. Ardy sees this project as negatively affecting her property value. She also stated that this project will adversely affect the schools and community infrastructure and the downtown revitalization. Jean Carder advised Ardy that her comments may be better suited for the City Council. Nate Apple explained the notification process. He stated that a notification was placed in the local newspaper and letters were sent to neighboring property owners within a determined radius around the proposed development. Carder added that the City's notification process is no different than any other municipality. Chris Lancaster assured Debbie Ardy that everyone is listening to her concerns. Ardy suggested that a traffic study needs to be done on how this apartment complex will impact Rockville Road. She stated that the number a vehicles will greatly increase and that will effect safety in the neighborhood. Ardy ended by stating that she appreciates the efforts but more discussion must be done before approving this type of project.

Carol Goldsmith introduced herself. She stated that the people who live in Starbrooke Villas have reviewed the plans as a group and are now in favor of the new development. Goldsmith added that their main concern was that the development will not have access through their private street. By providing the proposed apartment complex access to Rockville Road, their major issue was resolved. She also understands that this area has a need for affordable housing. She ended by mentioning that the Developer has met with the residents of Starbrooke Villas on numerous occasions to explain what was being planned and addressed and answered all their concerns.

Mike Steck then addressed the Planning Commission by stating that he represents some of the volunteers that work at the Community Food Pantry. He mentioned that he is concerned that adding more affordable housing to Louisburg will adversely affect an already stressed Food Pantry. He indicated that the Food Pantry is always the first to feel the effects of any new affordable or subsidized housing.

Anne Smith commented that she has experience with Section 8 housing and asked David Dean if they are relying on that type of subsidization to fill their proposed apartment complex. Dean replied no and that he is strictly a Section 42 developer. Smith followed up questioning by asking how much will an average two bedroom apartment cost. Dean replied, roughly \$600 and added that he has a three tiered rent schedule for 2 and 3 bedroom apartments. Dean then stated that he is willing to share rental rates, funding information, and market studies with anyone who requests it.

Chris Lancaster asked Cantrell if a Rockville Road improvement agreement is not reached what will happen. Cantrell replied that most likely the Plat Plan will not be approved at the City Council and the recommendation would be deemed non-binding due to the fact that it failed to meet the zoning regulations.

Chairperson Jean Carder then closed the public comment portion of the discussion. Andy Sauber commented that it is irrelevant to know who will live in the proposed apartments or how much they will be charged for rent. Sauber then mentioned the question is, does this development follow our guidelines and will it be built to code. Sauber ended by stating that the Planning Commission needs to follow our codes and that's it. Figuring out if this is section 8 or 42 is not this body's responsibility. Does Rockville Road need to be improved or not, that is the question in a nutshell.

Cantrell mentioned that the proposed development represents approximately 20% of the frontage of Rockville Road. Cantrell then added that he agrees with the applicant that they typically wouldn't be responsible for the 100% of Rockville Road improvements if under a benefit district. The problem rests with the fact that there will be no future mechanism for funding the required improvements that are in the vicinity of the development, if they are not required now.

Gus Straughen asked Cantrell what will happen if the Planning Commission denies the Applicant's Preliminary Plat Plan with the stipulation that Rockville Road be improved all the way to K-68. Cantrell replied that the Developer probably will not move forward with the project. However, the Applicant can come back to the Commission with an amended plan if they wish to. Straughen then asked what if the Commission approves the plan in principle what happens. Cantrell stated that the developer would likely return to the city council to discuss shared funding of the road. Matthew Schlicht asked if the plan is denied by the Planning Commission, the Applicant can still move forward to the City Council. Cantrell replied with yes.

After additional conversation between Planning Commission members a motion to deny the Starbrooke Subdivision by Gus Straughen. The motion was seconded by Les Page and passed 6-1.

November 4, 2013 – City Council heard from Scheduled Visitors:

Matt Schlicht with Dean Development presented new plans that include the developers paying for the west lane of Rockville between 5th Street and the apartment entrance. The applicant is proposing the construction of two buildings, each having sixteen units with a third common building. Last week the Planning Commission denied the applicants preliminary plat based on its failure to connect to a primary road, as required by ordinance. Staff has previously suggested that if the applicant were to pledge for the costs of Rockville improvements from the northernmost portion of their property all the way down to the S 5th Street road entrance that the City would likely share the expense of completing the east lane. City would be responsible for the cost of the east lane, which is estimated to be around \$150,000 to \$180,000. Cantrell explained the various improvement scenarios and believes this could be programmed into the budget over a two year period. The current proposal provides more equity to the City than if a collective benefit district were created. Cantrell stated the Planning Commission rejected the applicants last plan due to that was submitted; this plan would be less expensive for the City that could lead into a benefit district later on for the other remaining northernmost parcels. Mayor Thompson has concerns about the sign located at Rockville and K-68 and asked for clarification from the applicant. Mayor Thompson believes that the suggested traffic route is conflictive with what the signage might otherwise suggest. The new plans provide road improvements on Rockville down to Fifth Street. Cantrell believes that the majority of traffic will access K-68 via Rockville, but it might also depend on the specific time of day. Councilmember Maddax wants to know what the project will cost and if complaints from residents in the area of the project. Councilmember Karns and Cantrell believe that the primary issue locate to the south is on-street parking. Schlicht expressed concern with timing and hoped that the process could be expedited to keep the project on track. Mayor Travis Thompson suggested the Council vote on the issue at the next meeting since there were only 3 Councilmembers at this meeting. Council member Maddax queried Cantrell and Mayor Thompson to explain their position on the matter. Councilmember Golladay asked Cantrell to explain possible scenarios for completion of Rockville to the north. Councilmember Carolyn Karns moved to accept the road improvement proposal, but after further discussion withdrew her motion to allow Councilmember Town to participate in discussions at the next meeting. The Council then decided to table the discussion until the next Council meeting. Matt Schlicht then asked if the Council if they are generally in favor of the request so they know which direction to go. Mayor Thompson believes that that there is a greater sense of acceptance than at the last meeting.

Public Comments:

Helen McClain of 1312 South 3 rd Street stated the Council should have made a decision on the matter of Rockville Road and feels that the Council's decision to delay action was burdensome to the developer. Mayor Thompson explained that a recent council seat was vacated which impacted attendance.

Paul Svoboda of 1301 Starbrooke Drive said it could be a liability issue if South 5th Street is to be opened up to more traffic and asked the Mayor to clarify his previous statements. There are lots of cars on that street and kids playing in the street. Svoboda believes the risk is high. Council member Karns believes that most traffic would access via Rockville.

Jayne Schommer of 1400 South 3rd East asked why we allow so many cars to park on 5th Street East. She believes that they should be parked on their driveways. City Administrator Jeff Cantrell said there are no parking prohibitions with the exception of fire hydrants and mailboxes. Councilmember Maddax asked if parking should be restricted to one side of the street. Cantrell believes that such action should be approached carefully and only after the residents of that street have had opportunity to weigh in on the issue. Cantrell believes that initiating action based on the comments from a resident that lives elsewhere would be improper.

November 18, 2013 – City Council heard from Scheduled Visitors:

Matt Schlicht with Dean Development discussed proposed upgrades to Rockville Road with the Council. City Administrator Jeff Cantrell explained the development process and said an agreement between Dean Development and the City would split the cost of developing Rockville Road to city standards between Fifth Street and the north property line of the Rockville Apartments project and would meet the zoning requirements. This would allow the project to continue and would allow the City to mutually advance street improvements. The agreement would provide more equity to the City than under a typical benefit district. Staff recommends Dean Development pledge \$180,000 prior to plat filing or permitting and the money be placed on deposit with the City. The City would agree to construct the road within 24 months. Councilmember Steve Town moved, seconded by Councilmember Carolyn Karns and carried 5-0, to support the recommendation and have the developer seek approval from the Planning Commission.

December 16, 2013 – City Council member Report:

Councilmember Chuck Golladay inquired about Rockville Apartments and if the development proposal will come back to the Council for final approval. Mayor Travis Thompson explained that it will not come back to the Council since they came to a consensus to send it to Planning Commission. Councilmember Golladay stated he has received phone calls from School Board Members concerned that special needs children may come into the district from these apartments and the federal money may or may not be given to the district. That would potentially leave the taxpayers in the position of paying for these children. Golladay said he has also received calls from residents regarding the Section 8 apartments.

December 18, 2013 – Planning Commission received staff discussion of Subdivision Preliminary Plat Plan:

Cantrell opened the discussion by stating that this case last came before the Planning Commission on October 30, 2013. He then added that certain aspects of this plan have been presented to the City Council, as they relate to the funding of Rockville Road. The City Council discussed the possibility of cost sharing future Rockville Road improvement costs. Cantrell stated that preliminary terms have been reached that would require the developer to pledge \$180,000 to the City for such road improvements. In turn, the City would afford the remaining costs associated with improvements to Rockville Road. Cantrell mentioned that this arrangement would provide reasonable equity to the City. The cost sharing arrangement results in the developer paying more of the construction costs than what they would be required to pay if participating under a standard benefit district. The offer by the city council to share street construction costs does not preclude the commission from making any decisions that are within its

normal purview. Cantrell reminded commissioners that improvements to Rockville Road were not required by the City when previous housing developments were constructed years ago on the southernmost portion of Rockville Road. Cantrell mentioned that when the commission discussed the preliminary plat plan last October, the unresolved issue of Rockville Road was the primary item that was left open for resolution. Cantrell recommends the following stipulations:

1. The Developer shall dedicate a 15-foot utility easement along the Rockville Road frontage, adjacent to the road right-of-way.
2. The existing 10-foot water easement that bisects the development shall be increased to 15 –feet.
3. The Developer shall provide at least 10-foot lateral separation from all structures for all utilities.
4. Excise tax in the amount of \$.12 per square foot shall be assessed, payable at the time of recording final plat.
5. Parkland fee of \$200 per unit is to be assessed prior to recording of final plat.
6. The Developer shall verify with engineering report that drainage remains compliant with the original Starbrooke storm water study.
7. A north south, natural gas line extension shall be provided by the Developer at the Developer's expense. If units are to be supplied with natural gas burning appliances, the City will afford the extension.
8. A below grade, storm shelter shall be constructed within the community building and made accessible to all occupants of the complex.
9. Building permits to be held in abeyance until such time the Developer pledges \$180,000 to the City of Louisburg for the purpose of completing Rockville Road and the adjacent sidewalk and storm sewer.
10. The Developer shall provide future landscaping along Rockville Road and along the rear property lines of Starbrooke Phase 6, Lots 137, 138, 139, and 140. Similar landscaping is to be provided along the northernmost, east-west property line, adjacent to Building #2. Configuration and species to be further determined at time of final plat.

Vice Chairperson Andy Sauber then opened the discussion up for public comment. Paul Svoboda of 1301 Starbrooke Drive explained that many individuals in the Starbrooke Housing Development are not in favor of an apartment complex constructed at the proposed location. He added that there are many long-term negative consequences associated with this project to include adverse effects to neighboring property values. He then submitted a petition signed by 29 individuals in his neighborhood that oppose the proposed apartment complex. Vice Chairperson Andy Sauber read aloud the submitted petition. All Planning Commission Members reviewed the submitted document.

Christine Svoboda introduced herself. She then submitted a letter opposing the proposed apartment complex written by Debbie Hardy, 1321 South 5th Street East. Vice Chairperson Andy Sauber read aloud the submitted letter. No further public comments were made. Vice Chairperson Andy Sauber then closed the public comment portion of the discussion.

Matthew Schlicht, representing the Applicant (Dean Development), introduced himself to the Planning Commission. Schlicht wanted to clarify to everyone that the proposed plan is to take the allowable density ratio for the previous project and to reapportion it to the three buildings. He added that this plan has the same density and use as what was originally approved by the Planning Commission seven years ago.

Schlicht wanted clarification on some Staff stipulations. He asked if the \$.12 per square foot excise tax detailed in item No. 4 of the stipulations will be assessed on the platted area only. Schlicht wanted to ensure that the Applicant will only be charged for the developed acreage as seen on the final plat and not the entire 12 acres. Cantrell agreed with Schlicht's interpretation of item No. 4 of Staff's stipulations. Only developed land will be assessed \$.12 per square foot.

Schlicht had the same question concerning item No. 5 of Staff's stipulations. He wanted to confirm that a Parkland fee of \$200 per unit will be only assessed for the proposed 32 units being built and not for undeveloped acreage. Cantrell again agreed with Schlicht's interpretation of item No. 5 of Staff's stipulations. A Parkland fee of \$200 per unit will only be applied to units being built.

Schlicht's stated that he was unaware of the requirement to provide a below grade storm shelter within the community building as outlined in stipulation No. 8. He stated the Developer is not interested in building a storm shelter and they feel that this type of construction isn't necessary.

Schlicht went on to state that it is the Applicant's understanding from the City Council that the pledged \$180,000 highlighted under stipulation No. 9 would be the maximum amount that the Developer would have to provide. He also understood that all money not used for the improvement to Rockville Road would be refunded to the Developer once the project was completed. He went on to explain that if improvements to Rockville Road exceed \$360,000, the project would no longer be viable for either the City or the Developer. Schlicht added that they understood that it was the responsibility of the Developer to draw up the road improvement construction plans and solicit for bids. The City Engineering Department would then approve the plans/bids and the Developer would pay half of the cost. The maximum responsibility the Developer would incur for road improvements would be \$180,000. He ended by saying that Dean Development understands that all road improvements must be completed within two years. Cantrell rebutted and explained that the discussion with the City Council required \$180,000 to be fully pledged and if construction costs were later found to be less than the amount pledged, the remaining money would be refunded back to the Developer once improvements were completed. Cantrell suggested that if further clarification is needed on the apportionment and cost sharing that the applicant return to the city council so that the matter can be reaffirmed. Les Page agreed. Page stated that if the Applicant is not comfortable with the verbiage of the stipulations, it needs to go back to the City Council to further resolve. David Dean and Schlicht discussed their understanding of what the city council was offering to them. Cantrell advised that any deviation to Stipulation No. 9 will cause the terms to be inconsistent with what was agreed upon by City Council and deemed non-binding. After further deliberation, it was determined that it is not within the powers of the Planning Commission to modify specific offerings that were made by the City Council. Page suggests if the developer isn't comfortable with the Rockville Road cost sharing terms that they take it back to the city council. Schlicht agreed that the terms provided under the stipulation were agreeable.

Les Page asked if there was any type of storm shelter being built for the residents in the proposed apartment complex. David Dean replied with no. Nate Apple asked, what would be wrong with building a safe room in the clubhouse. Apple suggested an above grade shelter. David Dean mentioned that he has built all kinds of shelters that meet FEMA requirements in other developments and he is willing to entertain the possibilities of constructing such a shelter. Nate Apple suggested that storm shelters above grade are easily accessible to everyone. Cantrell cautioned that the construction of an above grade shelter cannot be strictly regulated by the City. Cantrell added that if the Planning Commission stipulates an above grade storm shelter, they should not expect a stringent inspection by the City because there are no construction guidelines under the current building code that would require the structure to meet strict guidelines. FEMA will not be on site to inspect the structure during construction. Nate Apple asked if a stamped set of engineering plans that outline and meet FEMA requirements would suffice. Cantrell replied yes, if the Planning Commission wishes to make such a stipulation. Anne Smith made a motion to send the Starbrooke Preliminary Plat Plan back to the City Council for review. She stated that there is a lot community opposition to this development and the issue needs to have more public discussion and comment. Cantrell informed that there are other options the Commission may wish to take. He feels this is a good time to discuss those. If the case were to be continued with a recommendation that the city

council further review, it would be improper since the Council's previous action relates only to funding of Rockville Road. All other matters being discussed fall within the purview of the planning commission. Cantrell went on to explain that the commission could approve or deny the case. If the petition is qualified and deemed to be valid, it would then require a super majority vote. Cantrell suggested that other actions should be considered. Cantrell advised that Anne Smith had a motion on the floor. Anne Smith explained concerns based on the objections of area residents. Nate Apple feels that 29 signatures is a relatively low amount of people in contracts to the entire area. The motion died for lack of a second.

Les Page, asked if the Planning Commission were to approve the preliminary plat with the current stipulations, would they be binding based on receipt of the petition? Cantrell replied that Staff would have to ensure that the signatures on the petition are valid and if a super majority vote is required. The only reason the City Council has been involved to this point is for discussion of cost sharing of Rockville Road, if the project were to be approved by the planning commission.

Chris Lancaster asked the Developer if they have any other projects exactly like the one proposed in Louisburg. David Dean replied that most of his developments are for senior housing. Dean added that market studies show that this type of housing is needed in the Louisburg and Miami County.

Nate Apple mentioned that he visited three other Dean Developments. He stated that he talked to an elderly WWII veteran that lives in the development located in Paola. Apple said that the resident was extremely pleased with the management and quality of the project. He also visited a development in Osawatomie and noted the property looked clean and well kept. Apple also visited the Dean's Development in Peculiar. He indicated that he was pleased with how that development looks. It was noted that all three developments were designated senior living.

Chris Lancaster asked, why Dean Development was building low-income apartment complexes in Louisburg and not senior housing in Louisburg. David Dean replied that the market study indicates that there's a strong need for this type of housing in the area. Lancaster then mentioned that he visited the site in Grandview and agreed that it looked nice. However, Lancaster stated that this project is different, it's not senior housing.

Les Page asked if phase two of Starbrooke Villas will remain dedicated to senior living. Both Schlicht and Dean replied yes.

Cantrell mentioned that if the proposed project is denied, the developer could ultimately continue developing Starbrooke Villas as it was previously approved by the Planning Commission seven years ago. Billy Still wanted to confirm that the apartment complexes are just an amendment to the original approved plan. Cantrell concurred.

Anne Smith referenced a few apartment complexes in the county that were not constructed, developed, managed or maintained, as they should be. She considers them to be undesirable for Louisburg. Well-constructed buildings would alleviate some concerns. Chris Lancaster commented that the concerns are not about the quality of construction. Dean confirmed that the proposed housing would be Section 42 housing, not Section 8, and not senior housing. Dean's application with the State dictates that this project not be age restricted. Under the State's guidelines, Dean will be required to manage the property for a period of 15 years.

Ann Smith questions this project because she has a home in this area. Smith wants to make sure it won't look like other apartment projects. Dean explained the project and assured that construction standards

will set them far above the other projects that she's referring to. Smith is concerned that the project will look like Apple Wood I and Apple Wood II in Paola. Nate Apple informed Smith that Louisburg has its own standards and is therefore different than Paola.

Ann Smith asked Commissioner Apple if he will abstain because he's going to be doing some of the work on the proposed project. Apple informed Commissioner Smith that he hasn't worked for the applicant in over 10-12 years and takes exception to Smith's comments.

Nate Apple made a motion to approve the Starbrooke Preliminary Site Plan with the applicant and staff to further work out issues pertaining to stipulations No. 8 and No. 9. Page doesn't like the wording of the motion. Cantrell informed the Commission that staff would hold firm in requiring the applicant to fully comply with the terms contained within stipulations No. 8 and No. 9. Modification of these stipulations is not likely. Rick Phillips seconded the revised motion to include all stipulations, as presented in the staff report. The motion passed 4-2. Smith and Lancaster were opposed.

January 6, 2014 – City Council discussed Age Restricted Project & Protest Petition:

Age Restricted Project: Dan Sailler with MRE Capital Group asked the City for a resolution of support for an age-restricted complex that will be income assisted. The property will be in the vicinity of K-68 and Rockville Road. A total of 48 units with single car garages will be built for ages 62 and older.

Councilmember Chuck Golladay moved, seconded by Councilmember Dave Maddax and carried 5-0, to adopt Resolution 01-06- 14 for support of an age restricted apartment complex.

Protest Petition Update: Mayor Thompson informed the governing body that the petition, earlier presented to the planning commission in protest of the Rockville Apartment Project has been deemed invalid. Debbie Hardy interjected from the audience and voiced her objections concerning the project. Administrator Cantrell explained that the signatures contained within the petition failed to include any property owners within the required notification veil surrounding the proposed project. As a result the petition was deemed invalid.

April 30, 2014 – Planning Commission received the following update:

Jeff Cantrell mentioned that the Rockville Apartment project was initially on tonight's agenda. After review of their submittals, Staff had identified too many irregularities with the submitted plan to present to this body. The applicant opted to pull their case off the agenda with the hope that a special call meeting could be arranged at a later date. Dean Development stated that they will be submitting revised plans within the next couple of weeks. Cantrell wanted to know if the Commission Members are willing to convene a special meeting and what dates would be suitable for such meeting.

After some discussion between Commission Members, it was agreed by most members, that they are willing to convene a Special meeting to discuss the Rockville Apartment project. May 6th, 12th, and 14th are dates that are available for a Special Meeting. If new plans are not submitted and a meeting is not scheduled on the identified dates, then this topic will be moved to the next scheduled meeting on May 28th.

As a matter of disclosure, Nate Apple stated that he has not been contacted by Dean Development, Still Contractors or anyone else concerning the Rockville Apartment project. He also mentioned that he doesn't know who the General Contractor is on that project.

May 14, 2014 – Planning Commission discussed Site Plan and Final Plat for Rockville Place Apartments:

ITEM 6: 14002-SP – (Site Plan) Rockville Place Apartments / Lot 1, Summerfield Center

Jeff Cantrell asked the Planning Commission if they would allow the discussion of item 7 (Final Plat) prior to item 6 (Site Plan). No objections were made. Item 7 discussion began.

The Final Plat (Item 7) was discussed and approved with amended stipulations. See below. The Site Plan discussion then began.

Cantrell opened the discussion by reading aloud Staff's recommended stipulations. He explained that some of the issues have been resolved with the Final Plat discussion.

RECOMMENDED STIPULATIONS:

1. Developer shall install (1) fire hydrant at each end of the apartment buildings, and any other location per the recommendation of the Louisburg Fire Department.
2. Utility easements depicted on the Site Plan still do not match the Final Plat. A definitive answer needs to be provided at the time of meeting. (RESOLVED)
3. The Site Plan depicts a 22.5 ft U/E and the Plat shows a 20 ft U/E. A definitive answer needs to be provided at the time of meeting. (RESOLVED)
4. Developer to provide current elevation views of apartments and common building. Staff to determine compliance prior to issuance of building permits.
5. Provide landscaping around monument sign to include detail with sign permit application.
6. Please confirm size of apartment water meters and common building water meters with building permit.
7. Provide size of irrigation meter with building permit. Irrigation meter will require a separate irrigation permit.
8. Moore's Property Line shown. Please add property owner information south of Moore. (REMOVED / DELETED).
9. Developer to provide temporary trash containment plan to building permit issuance to reduce blowing of debris and trash during all phases of construction.
10. Developer to provide stabilized gravel parking area for each complex during initial phase of construction to provide sub-contractors with parking areas that are free of mud. Gravel shall be no smaller than $\frac{3}{4}$ inch.
11. Erosion control to be installed prior to construction and maintained throughout project.
12. Building permits shall be withheld until such time the Developer pledges \$180,000 (on deposit with the City) for purposes of completing future Rockville Road up grade.
13. Certificates of Occupancy (C/O's) shall be issued for each individual building, provided the community building has been completed, C/O's shall not be issued on the floor-by-floor basis or by individual units. The City will require 24 hour notice for all inspections.
14. A \$75 re-inspection fee may be charged for inspections that have been scheduled by the builder, but not ready for inspection.
15. Trash enclosures gates shall be constructed of welded steel sub frame.
16. Playground equipment shall be earth tone in color, ranging from dark, medium green, natural brown, tans, etc.
17. Pavilion building materials shall closely match materials and finish of primary structures.
18. HVAC ground mechanical to be screened from view by landscape.
19. Roof top mechanical, ventilation rotors, ductwork, antennas (other than radon and plumbing vent stacks) shall be prohibited. Whenever possible, radon and plumbing vents shall be common vented to reduce amount of rooftop penetrations.
20. Notes referring R-3 Zoning shall be revised to PUD.

Chairperson Jean Carder asked if there is to be covered parking on site. David Dean replied no.

A discussion concerning playground equipment highlighted in stipulation #16 occurred. David Dean agreed with the color restrictions and added that he wants the equipment to look good also.

Carder asked what the Community Center consists of. Dean replied that it will have a full kitchen, flat screens, computer area, and designated library space. He added that the Center will include a below grade safe room. Dean also confirmed that there will not be laundry facilities within the Community Center. Washers and dryers will be provided in the individual apartments.

After some further discussion, a motion was made by Les Page to approve the submitted Site Plan with Staff's stipulations. The motion was seconded by Rick Phillips. The motion passed 7-0.

ITEM 7: 14001-SUB – (Final Plat) Rockville Place Apartments / Lot 1, Summerfield Center

Jeff Cantrell confirmed that the Developer for the Rockville Place Apartments Project is Dean Development and the Contractor will be Still Builders. Cantrell then stated that the proposed apartment complex project will consist of (2) 16-unit two story apartment buildings with a community center. The proposed apartments will contain 2 and 3 bedrooms. Cantrell added that the parcel of land that the proposed project is slated for is currently zoned as a Planned Unit Development District (PUD). Cantrell stated that this out of cycle Planning Commission meeting was called to facilitate the Applicant and resolve any open issues.

Cantrell then read the Staff Recommended Stipulations.

RECOMMENDED STIPULATIONS:

1. Developer shall install (1) fire hydrant at each end of the apartment buildings, and any other location per the recommendations of the Louisburg Fire Department.
2. The Street labeled SW 4th Street should be corrected to S. 4th Street East.
3. Utility easements depicted on the site plan still do not match the final plat. A definitive answer needs to be provided at time of meeting.
4. The site plan depicts a 22.5 ft U/E and the plat shows a 20 ft U/E. A definitive answer needs to be provided at the time of meeting.
5. Rockville Road improvement statement should refer to S. 5th Street East and should be 38 ft back-to-back.
6. Zoning of Starbrooke Villas Phase 1 is PUD. Final Plat depicts R-3.
7. Note concerning curb inlet refers to Rockville Road Plans. Will this curb inlet be set with the Rockville Apartments Project? If so, please add note.
8. Rockville Road Plan fencing note refers to sheet C.200 which is not included.
9. Moore's Property Line is shown. Please add property owner information south of Moore.
10. Developer to provide temporary trash containment plan prior to building permit issuance to reduce blowing of debris and trash during all phases of construction.
11. Developer to provide stabilized gravel parking areas for each complex during initial phase of construction to provide sub-contractors with parking areas that are free of mud. Gravel shall be no smaller than $\frac{3}{4}$ inch.
12. Erosion control to be installed prior to construction and maintained throughout project.
13. Excise tax in the amount of \$.12 per square foot to be assessed, payable at the time of recording final plat.
14. Parkland fee of \$200 per unit to be assessed prior to recording of final plat.
15. Building permits shall be withheld until such time the Developer pledges \$180,000 (on deposit with the City) for purposes of completing future Rockville Road.

16. Certificates of occupancy shall be issued for each individual building, provided the community building has been completed. C/O's shall not be issued on a floor by floor basis or by individual units. The City will require 24 hour notice for all inspections.
17. A \$75 re-inspection fee may be charged for inspections that have been scheduled by the builder, but are not ready for inspection.
18. Occupant restrictions shall prohibit placement of trash barrels or other similar containment devices on patios and decks.
19. Occupant restrictions shall prohibit use of open flame cooking devices on decks made of combustible materials or within 10 ft of other combustible structures.
20. Developer to provide temporary construction easements for all portions of Rockville Road prior to release of building permits.

After all the stipulations were read Chairperson Jean Carder asked if anyone had questions or comments. Nate Apple asked a question concerning Stipulation #16. "The City shall require 24 hour notice for all inspections?" Apple wanted to know what will happen if the 24 hours is not feasible due to weather. Cantrell replied that the contractor has the option to obtain an inspection from a qualified 3rd party inspector that has been approved by the City. Cantrell added that this doesn't mean that we can't accommodate short notice requests. We normally can support 7 out of 10 of these inspections. This process is in place to handle those few occasions where we can't.

Apple then asked, when did we start charging the \$75 re-inspection fee outlined in stipulation #17. Cantrell replied that it's been on the books for a while and it's rarely imposed. Cantrell then explained the reasoning for the fee. The fee is designed to avoid problems that may occur with the large construction projects. Past experience, at other municipalities, has shown that some builders may call requesting inspections regardless if the building is ready or not. This is done to get the inspector on site in the morning in hopes to have something ready for inspection. In some cases nothing is ready. This fee is a mechanism, so that if needed, can be used to avoid this type of practice from occurring. Apple understood and agreed with the explanation.

Matthew Schlicht, representing Engineering Solutions, addressed the Planning Commission. He stated that he was fine with stipulation #1 but is concerned that it is very open ended. He added that this is the third generation of plans and budgets are now being developed. He would like to know the definitive number and location of fire hydrants that is required by the Fire Department.

Schlicht then asked for clarification concerning stipulation #20. He wanted to know if the temporary construction easements for all portions of Rockville Road is valid. After some discussion it was suggested by Cantrell to modify the temporary construction easement requirement. He suggested that the requirement for temporary construction easement be on the west side of Rockville Road only to exclude one property located to the north. Chairperson Jean Carder asked if there were any objections to modifying stipulation #20. No objections were made by any of the Planning Commission members. Stipulation #20 now reads as follows: "Developer to provide temporary construction easements on the west side of Rockville Road to exclude the Texas owned property (Parcel ID 109320000001000) prior to release of building permits."

It was also agreed that Stipulation #9 is no longer needed and now removed.

A discussion concerning stipulations #3 occurred. Schlicht agreed that there is an issue on the submitted plans and he will correct it.

A discussion concerning stipulations #4 occurred. Schlicht agreed that the final plan should depict a 22.5 ft U/E. He stated that he will have the final plat corrected.

No additional discussion occurred.

Les Page made a motion to approve the Final Plat will amended stipulations. Rick Phillips seconded the motion. No further discussion occurred. The motion passed 7-0.

AMENDED STIPULATIONS:

1. Developer shall install (1) fire hydrant at each end of the apartment buildings, and any other location per the recommendations of the Louisburg Fire Department.
2. The Street labeled SW 4th Street should be corrected to S. 4th Street East.
3. Utility easements depicted on the site plan still do not match the final plat. A definitive answer needs to be provided at time of meeting.
4. The Final Plat should depict a 22.5 ft U/E. (AMENDED)
5. Rockville Road improvement statement should refer to S. 5th Street East and should be 38 ft back-to-back.
6. Zoning of Starbrooke Villas Phase 1 is PUD. Final Plat depicts R-3.
7. Note concerning curb inlet refers to Rockville Road Plans. Will this curb inlet be set with the Rockville Apartments Project? If so, please add note.
8. Rockville Road Plan fencing note refers to sheet C.200 which is not included.
9. Moore's Property Line is shown. Please add property owner information south of Moore (REMOVED / DELETED).
10. Developer to provide temporary trash containment plan prior to building permit issuance to reduce blowing of debris and trash during all phases of construction.
11. Developer to provide stabilized gravel parking areas for each complex during initial phase of construction to provide sub-contractors with parking areas that are free of mud. Gravel shall be no smaller than ¾ inch.
12. Erosion control to be installed prior to construction and maintained throughout project.
13. Excise tax in the amount of \$.12 per square foot to be assessed, payable at the time of recording final plat.
14. Parkland fee of \$200 per unit to be assessed prior to recording of final plat.
15. Building permits shall be withheld until such time the Developer pledges \$180,000 (on deposit with the City) for purposes of completing future Rockville Road.
16. Certificates of occupancy shall be issued for each individual building, provided the community building has been completed. C/O's shall not be issued on a floor-by-floor basis or by individual units. The City will require 24 hour notice for all inspections.
17. A \$75 re-inspection fee may be charged for inspections that have been scheduled by the builder, but are not ready for inspection.
18. Occupant restrictions shall prohibit placement of trash barrels or other similar containment devices on patios and decks.
19. Occupant restrictions shall prohibit use of open flame cooking devices on decks made of combustible materials or within 10 ft of other combustible structures.
20. Developer to provide temporary construction easements on the west side of Rockville Road to exclude the Texas owned property (Parcel ID 1093200000001000) prior to release of building permits." (AMENDED)

March 2, 2015 – City Council discussed Rockville Apartment Land Disturbance

The request is to allow the contractor to start grading the site, Land Disturbance activities only. The engineer and developer are working with KDHE on the Water and Sanitary permits and it is taking longer

than expected. They would like to get the initial site clearing, erosion control installation and initial site grading completed as soon as weather allows. Staff recommends that the following be required at a minimum:

1. Pay Excise Tax \$20,409
2. Pay Parkland Fee \$6,400
3. Pay Rockville Road Improvement Pledge \$180,000
4. Approval from City Council for land disturbance
5. Final Plat shall be filed at Miami County Register of Deeds
6. Developer shall provide deed as proof of ownership

Councilmember Jean Carder moved, seconded by Councilmember Carol Aust and carried 5-0, to accept the temporary access with the stipulations of payment. This would not allow digging of foundations for the apartments or clubhouse or any utility work.

April 29, 2015 – Planning Commission notification of Rockville Apartments addendum

Rita Cassida then stated that the Developer of Rockville Apartments (Dean Development, LLC.) has submitted an addendum to their previously approved plans. Cassida explained that the current addendum slightly changes the appearance of the exterior portion of the apartment complexes. The new plan removed the decorative bricks located at the bottom of the entrance pillars in front of the apartment buildings. It also removed the small roofing system below the balconies. These two changes are cosmetic and are not structural in nature. Lastly, the Developer has changed the siding from OSB to vinyl. Staff feels that the addendum changes are insignificant and has no objections.

Cassida referenced City Zoning Regulation, Section 616, item G:

“Minor modifications may be made to an approved site plan by the applicant with approval of the Codes Administrator and without re-approval of the Planning Commission provided that the modifications do not

1. Vary the proposed gross residential density or intensity of use by more than five (5) percent;
2. Increase by more than ten (10) percent the floor area proposed for non-residential use;
3. Increase by more than five (5) percent of the total ground area covered by buildings or the height of buildings; or
4. Substantially change the design of the approved site plan so as to significantly alter:
 - Pedestrian or vehicular traffic flow;
 - The juxtaposition of different land uses;
 - The relation of open space to residential development;
 - The architectural appearance and building materials selected for the project.

If, in the opinion of the Codes Administrator, a site plan is substantially changed from the approved plan, the applicant shall resubmit the site plan to the Planning Commission for approval.”

After the Planning Commission Members reviewed the changes, no negative comment or objections were made.