

**Louisburg Planning Commission Regular Meeting**  
**6:30P.M. May 27, 2020**  
**City Council Meeting Room**  
**215 South Broadway**  
**AGENDA**

This special meeting will be conducted via Zoom to maintain social distancing. The link to watch or listen to the meeting will be available on the City’s website at noon Tuesday. If you would like to participate in the public hearing please contact Rusty Whitham by Noon, Tuesday May 26, 2020 at 913-837-5811 or [rwhitham@louisburgkansas.gov](mailto:rwhitham@louisburgkansas.gov).

If you require accommodations (qualified interpreter, hearing assistance, etc.) in order to attend this meeting, please contact Rusty Whitham by Noon, Tuesday May 26, 2020, at 913-837-5811 or [rwhitham@louisburgkansas.gov](mailto:rwhitham@louisburgkansas.gov),

**Item 1: ROLL CALL:**

**Item 2: ADOPTION OF THE AGENDA:**

**Item 3: APPROVAL OF THE MINUTES:**  
- Minutes from the February 26, 2020 Meeting

**Item 4: PUBLIC COMMENTS:**  
Persons who wish to address the Planning Commission 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.

**PUBLIC HEARING BUSINESS ITEMS:**

**Item 5:** 20001-Z (Rezone) – 702 West Amity rezoning request from “C-3” General Business District to “R-1” Single-Family Dwelling District, Parcel ID: 1093004003007000.

**Item 6:** 20002-Z (Rezone) – 405 South 3<sup>rd</sup> Street rezoning request from “C-2” Central Business District to “R-1” Single-Family Dwelling District, Parcel ID: 1093101028002000.

**Item 7:** 20001-SUP (Special Use Permit) – 610 South Metcalf Special Use Permit Request to establish a light automotive maintenance shop, Parcel ID: 1093202005003000

**NON-PUBLIC HEARING BUSINESS ITEMS:**

**Item 8:** **OLD BUSINESS:** Any old business the Commission may wish to discuss  
None

**NEW BUSINESS:**

**Item 9:** 20002-SP (Site Plan) – 202 West Crestview, Carwash expansion Parcel ID: 1093101019003000

**Item 10:      REPORTS:**

**Item 11:      ADJOURNMENT:**



## LOUISBURG PLANNING COMMISSION MEETING MINUTES Wednesday February 26, 2020

The Planning Commission of the City of Louisburg, Kansas met at 6:30 p.m. in the City Hall Council Chambers with Chairperson Andy Sauber presiding.

### **ATTENDANCE:**

Commission Members: Nate Apple, Michael Sharp, Makenzie Phillips and Lee Baer  
City Council: Thorvald McKiernan  
City Administrator: Nathan Law  
Staff: Jean Carder  
Recording Secretary: Rusty Whitham  
Visitors: Kelly Stohs

### **ITEM 1: ROLL CALL**

### **ITEM 2: ADOPTION OF THE AGENDA:**

A motion was made by Nate Apple to adopt the agenda. The motion was seconded by Michael Sharp. passed 5-0.

### **ITEM 3: APPROVAL OF THE MINUTES:**

A motion was made by Michael Sharp to approve the minutes from the December 18, 2019 minutes. It was seconded by Nate Apple. Motion passed 3-0-2. Makenzie Phillips and Lee Baer abstained.

**ITEM 4: PUBLIC COMMENTS:** Persons who wish to address the Planning Commission regarding items not on the agenda may do so at this time. Speakers will be limited to three (3) minutes. Any presentation is for information purposes only.

None

### **PUBLIC HEARING BUSINESS ITEMS:**

**ITEM 5: 20001-DXA** Deannexation of 0.36 acres located at 6302 West 295<sup>th</sup> Street from the City of Louisburg to Miami County as authorized by the provisions of: K.S.A. 12-504.

Chairperson Andy Sauber asked if there are any changes to this request or concerns the Planning Commission needs to be aware of prior to this discussion. City Administrator Nathan Law replied that there are none.

Sauber then asked Staff if they received any negative comments from the community concerning this request. Staff replied there were none.

Sauber then opened this item for public comment. No public comment was made. The public comment portion of this discussion was then closed.

Sauber asked Kelly Stohs (Applicant) to address the Planning Commission. Stohs then approached the podium to explain this deannexation request and answer questions. Stohs is the adjacent property owner wishing to purchase the 0.36 acres and merge it to her property that is located outside city limits.

After a brief discussion Nate Apple made a motion recommending approval of this deannexation request. Michael Sharp seconded this motion. The motion passed 5-0.

This recommendation will be forwarded to the City Council for addition discussion and consideration on March 2, 2020.

No further discussion occurred concerning this item.

**NON-PUBLIC HEARING BUSINESS ITEMS:**

**Item 6:** Annual election of Planning Commission Chairperson, Vice-Chairperson and Secretary in accordance with Article 3, Planning Commission By-Law, in the Procedures Manual.

Nate Apple made a motion nominating Andy Sauber as Chairperson and George Bazin as Security. The motion was seconded by Michael Sharp. The motion passed 4-0-1. Andy Sauber abstained.

Lee Baer made a motion nominating Nate Apple as Vice-Chairperson. The motion was seconded by Michael Sharp. The motion passed 4-0-1. Nate Apple abstained.

The following are the 2020 Planning Commission Officers:

- Chairperson - Andy Sauber
- Vice-Chairperson - Nate Apple
- Security - George Bazin

**OLD BUSINESS:**

**Item 7:** None

**NEW BUSINESS:**

**Item 8:** Andy Sauber welcomed Makenzie Phillips as the newest member of the Planning Commission.

**REPORTS:**

**Item 9:** None

**Item 10: ADJOURNMENT:**

A motion was made by Nate Apple to adjourn the meeting. Second was made by Michael Sharp. The motion passed 5-0. Meeting adjourned at 7:39 p.m.

**Submitted by Rusty Whitham**



**Item #5**  
**20001-Z (Rezoning)**  
**702 West Amity**  
**Parcel ID: 1093004003007000**

Owner: J & C Properties (Blooming Keepsakes)  
Meeting Date: May 27, 2020

The Applicant wishes to rezone this property from “C-3” General Business District to “R-1” Single-Family Dwelling District. Staff has determined that rezoning this property from “C-3” to “R-1” would be consistent with the Bright Future Comprehensive Plan dated December 4, 2017. This plan identifies this property as “Single-Family Residential”.

The below web address will direct Planning Commission members to the Bright Future Comprehensive Plan:

<https://louisburgkansas.gov/DocumentCenter/View/366/Louisburg-Comprehensive-Plan-12-4-17>

**Adjacent Property Zoning:**

North – Residential (“R-1” Single Family Residential Home)  
South – Commercial (“C-3” Agape’s Grace and 701 West Amity)  
East – Commercial (“C-0” Office and Institution)  
West – Commercial (“C-3” Louisburg Veterinary Clinic)



The Planning Commission should determine one of the following:

1. Recommend zoning change from “C-3” to “R-1”

The Applicant has provided written notice of this public hearing to all property owners within 200’ radius of the subject property. Staff has also placed a public notice in newspaper to advertise this hearing. This ad appeared in the newspaper on May 6, 2020. To date Staff has not received any comments from the neighbors concerning this proposal.

All Planning Commission recommendations will be forwarded to the City Council for additional review and consideration. This item with Planning Commission recommendation will be presented to the City Council on June 15, 2020. Property owners within 200 feet of subject property described above, wanting to protest the proposed change will have fourteen (14) days

after the Planning Commission makes its recommendation regarding the requested rezoning to submit a protest petition to the office of the City of Louisburg City Clerk. If a valid protest petition is filed with the City Clerk prior to the deadline, the change shall only be approved by at least a 3/4 majority vote of the City Council. Protest petitions are available in the office of the Codes Administrator for the City of Louisburg.

### **Eight Golden Factors to Consider**

In 1978, the Supreme Court of Kansas handed down a decision in the Golden vs. City of Overland Park case that established the basis for considering and reaching a decision on zoning changes. The decision should be made based on the evidence submitted and the factors considered. The eight Golden Factors emerged from this case and have become institutionalized in the consideration of zoning changes in Kansas. A more recent court case determined that Special Use Permits were, in reality, a land use change and should be considered by the same factors.

The factors must be considered by the Planning Commission and Governing Body in order to determine whether granting or denying a zoning change, including a Special Use Permit, was reasonable. It is not necessary that findings on all the factors be favorable to approve or be unfavorable to deny the zoning change or Special Use Permit. Also, not all the factors carry the same weight and the weight may vary from case to case.

1. **The character of the neighborhood:** Factual description of the application area and surrounding property as to land uses, density, intensity, general condition, age of structure, etc.
  
2. **The zoning and uses of property nearby:** Factual listing of the zoning surrounding the property along with the specific abutting uses.
  
3. **The suitability of the property for the uses to which it has been restricted under its existing zoning:** How is the property currently zoned and what uses are allowed on the property? Are these uses suitable given surrounding zoning and site criteria? Are the current allowed uses the only ones which might be appropriate for this property?
  
4. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Can the uses allowed in the requested district be good neighbors to existing development? This is a subjective question. The focus should be on facts, not fears, and should be based on issues that zoning can address (e.g., allowed uses, minimum lot sizes, height, setbacks, traffic, etc.)
  
5. **Length of time of any vacancy of the property:** Factual information, but its importance can be somewhat subjective. A property might be vacant because the current zoning is unsuitable, but there may be other reasons not related to zoning. Some examples might be a glut of available property of the same zoning district, financing problems, speculation, lack of available services or other development problems.

**6. Relative gain to the public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners:** The protection of the public health, safety and welfare is the basis for zoning. The relationship between the property owner's right to use and obtain value from their property and the City's responsibility to its citizens should be weighed.

**7. Recommendation of professional staff:** Should be based on the evidence presented, the factors, adopted plans and policies, and other technical reports (e.g., Capital Improvement Programs, facility master plans, etc.) which speak to the topic and staff's best professional judgment.

**8. Conformance with the Comprehensive Plan:** Does the request agree with the adopted plan recommendations? If not, is the plan out-of-date or are there mitigating circumstances which speak to the nonconformity?

**Item #6**  
**20002-Z (Rezoning)**  
**405 South 3<sup>rd</sup> Street**  
**Parcel ID: 1093101028002000**

Owner: Kimberly Hall (Bungalow Boutique)  
Meeting Date: May 27, 2020

The Applicant wishes to rezone this property from “C-2” Central Business District to “R-1” Single-Family Dwelling District. Staff has determined that rezoning this property from “C-2” to “R-1” would be inconsistent with the Bright Future Comprehensive Plan dated December 4, 2017. This plan identifies this property as “Downtown Core Commercial”.

The below web address will direct Planning Commission members to the Bright Future Comprehensive Plan:

<https://louisburgkansas.gov/DocumentCenter/View/366/Louisburg-Comprehensive-Plan-12-4-17>

**Adjacent Property Zoning:**

North – Central Business (C-2) City Hall

South – Central Business (C-2) Residential Home/Old Glass Shop

East – Multi-Family Residential (R-3) Residential

West – Central Business (C-2) Partners Printing



The Planning Commission should determine one of the following:

1. Recommend zoning change from “C-2” to “R-1”

The Applicant has provided written notice of this public hearing to all property owners within 200’ radius of the subject property. Staff has also placed a public notice in newspaper to advertise this hearing. This ad appeared in the newspaper on May 6, 2020. To date Staff has not received any comments from the neighbors concerning this proposal.

All Planning Commission recommendations will be forwarded to the City Council for additional review and consideration. This item with Planning Commission recommendation will be presented to the City Council on June 15, 2020. Property owners within 200 feet of subject property described above, wanting to protest the proposed change will have fourteen (14) days after the Planning Commission makes its recommendation regarding the requested rezoning to submit a protest petition to the office of the City of Louisburg City Clerk. If a valid protest petition is filed with the City Clerk prior to the deadline, the change shall only be approved by at least a 3/4 majority vote of the City Council. Protest petitions are available in the office of the Codes Administrator for the City of Louisburg.

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**8. Conformance with the Comprehensive Plan:** Does the request agree with the adopted plan recommendations? If not, is the plan out-of-date or are there mitigating circumstances which speak to the nonconformity?

**Item #7**  
**19001-SUP (Special Use Permit)**  
**Light Automotive Maintenance Shop**  
**601 South Metcalf**  
**Parcel ID: 1093202005003000**

Owner: Kim & Cheryree Eldred  
Applicant: William Leach  
Meeting Date: May 27, 2020

The Applicant wishes to lease a portion of an existing building located at 601 South Metcalf Road and establish a “Light Automotive Maintenance Shop.” The owner has agreed to allow the applicant to request a Special Use Permit from the Planning Commission (SUP) and the City Council. This property is currently zoned within the “C-3” General Business District”.



**Adjacent Property Zoning:**

- North – Commercial C-3 (Attic Storage Units)
- South – Commercial C-3 (Kingwood)
- East – Residential R-1 (Broadmoor Elementary)
- West – Commercial C-3 (Sign Shop and Financial Advisor)

The Applicant has provided written notice of this public hearing to all property owners within the required 200 foot radius of the subject property. Staff has also placed a public notice in newspaper to advertise this hearing. This ad appeared in the newspaper on May 6, 2020. To date Staff has not received any comments from the neighbors concerning this proposal.

All Planning Commission recommendations will be forwarded to the City Council for additional review and consideration. This item with Planning Commission recommendation will be presented to the City Council on June 15, 2020. Property owners within 200 feet of subject property described above, wanting to protest the proposed SUP will have fourteen (14) days after the Planning Commission makes its recommendation to submit a protest petition to the office of

the City of Louisburg City Clerk. If a valid protest petition is filed with the City Clerk prior to the deadline, the change shall require approval by a 3/4 majority vote of the City Council. Protest petitions are available in the office of the Codes Administrator for the City of Louisburg.

A Special Use Permit for a Light Automotive Maintenance Shop with stipulations outlined in Section 509, Paragraph C7 of the Zoning Regulations:

*“Motor vehicle repair service, provided that all work shall be performed and all materials shall be stored within an enclosed building; and provided further that all operable or inoperable motor vehicles determined by the Building Official to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six (6) feet and a visual density of no less than ninety (90) percent.”*

The Planning Commission should discuss the following:

1. Signage
2. Trash Containers
3. Lighting
4. Outdoor Storage

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**8. Conformance with the Comprehensive Plan:** Does the request agree with the adopted plan recommendations? If not, is the plan out-of-date or are there mitigating circumstances which speak to the nonconformity?

**Item #9**  
**20002-SP Site-Plan**  
**Xcel Carwash Expansion**  
**(Parcel ID: 1093101019003000)**

Applicant: Walker Bros. Co. LLC (Xcel Carwash)  
PC Meeting Date: May 27, 2020 @ 6:30pm

The owner of this property wishes to construct a 786 sq. ft. addition to their existing building. This addition will be constructed on the south end of the building and will be used as a full serviced automated carwash bay. This expansion will include extending the concrete driveway and parking area. This property is zoned within the “C-3” General Business District.

**Adjacent Property Zoning:**

North – Residential (“I-1” Cell Tower/Vacant Lot)  
South – Commercial (“C-3” Olathe Medical Clinic)  
East – Commercial (“C-3” Vacant Lot)  
West – K69 Highway

Below is setback requirement for the C-3 “C-3” General Business District. Staff has determined that this addition meet all setback requirements.

- Front yard - twenty-five (25) feet
- Side yard – none (0) feet
- Rear yard – twenty-five (25) feet

The Planning Commission shall review this site-plan and determine if it meets standards.

