

**Louisburg Planning Commission Regular Meeting  
6:30P.M. June 24, 2020  
City Council Meeting Room  
215 South Broadway  
AGENDA**

**Item 1: ROLL CALL:**

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

**Item 3: APPROVAL OF THE MINUTES:**  
- Minutes from the May 27, 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.

**Item 5: PUBLIC HEARING BUSINESS ITEMS:**  
None

**NON-PUBLIC HEARING BUSINESS ITEMS:**

**Item 6: NEW BUSINESS:**  
Discussion with a homeowner at 705 North 5<sup>th</sup> Street concerning a request for a gravel driveway.

**Item 7:** Review and potentially approve the Planning Commission Meeting and Submittal calendar June 2020 thru December 2021.

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

**Item 9: REPORTS:**

**Item 10: ADJOURNMENT:**



## LOUISBURG PLANNING COMMISSION MEETING MINUTES

### Wednesday May 27, 2020

**Note:** This special meeting will be conducted via Zoom to maintain social distancing.

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, George Bazin, Michelle Olson, McKenzie Phillips and Lee Baer  
City Administrator: Nathan Law  
Staff: Pat McQueen  
Recording Secretary: Rusty Whitham  
Visitors: Kim Hall, William Leach and David Walker

#### ITEM 1: ROLL CALL

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

A motion was made by George Bazin to adopt the agenda. The motion was seconded by Michelle Olson. passed 6-0.

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

Andy Sauber mentioned that he found a spelling error in item 6 of the February 26, 2020 Planning Commission minutes. The following correction to the minutes was made:

“The following are the 2020 Planning Commission Officers:

Chairperson - Andy Sauber

Vice-Chairperson - Nate Apple

~~Security~~ Secretary - George Bazin”

A motion was made by Nate Apple to approve the minutes from the February 26, 2020 minutes as amended. The motion was seconded by McKenzie Phillips. The Motion passed 5-0-1. George Bazin 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-Z (Rezone) – 702 West Amity rezoning request from “C-3” General Business District to “R-1” Single-Family Dwelling District, Parcel ID: 1093004003007000.

**Request withdrawn by Applicant.**

**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.

Andy Sauber began the discussion by explaining the Applicant’s request. Sauber mentioned that the building located on the property was formally a residential dwelling many years ago but now is zoned within the “C-2” Central Business District.

Kim Hall stated she is the property owner and has operated a business (Bungalow Boutique) at the above-mentioned location for several years. Hall also mentioned that she lived next door for five years (401 South 3<sup>rd</sup> Street). Hall feels she has a unique understanding of the Downtown Business District and the surrounding residential neighborhood. Hall explained as a business owner she continually struggled with getting customers to her store. She suggested that there are two reason why she had issues getting customers to her business:

1. The Bungalow Boutique was not located on a heavily trafficked road or street such as K68/Amity. Hall mentioned that she was off the beaten path and it hindered customer traffic. Hall explained that businesses tend to thrive more when they are easily seen. Her business was not easily seen from K68/Amity causing limited customer traffic.
2. Louisburg is also a small community and in order support a retail establishment like hers many customers need to commute from other locations to make her store profitable. In addition, for several years there were multiple stores in Louisburg operating in the same retail space making it difficult for all to be succeed.

Hall went on by mentioning the homeowners surrounding her business property have made significant improvements to their dwellings and properties. It is Hall’s opinion that recent improvements in her neighborhood have made it a fabulous place to live. It was also noted that Hall’s building is a wonderful 150-year-old structure and it is challenging to find a business owner willing to convert this existing older building into a commercial space. Hall listed a few limiting factors that hinder this older building from becoming a fully operational commercial building.

Hall stated that she placed her property on the market on March 15, 2020. Since then she has had only one person interested in the property for commercial use and at least twenty interested buyers wanting the property for residential use. Potential buyers are just waiting to have this property rezoned residential before purchasing. Hall exclaimed that this is a darling older home and would be better used as a residential property not commercial. It would benefit Louisburg if this older historical home be rezoned within the “R-1” Single-Family Dwelling District.

Andy Sauber then opened the discussion for public comment. It was noted that no visitors were logged into the zoom meeting. No public comment was made. It was also mentioned that the public was given an opportunity to submit comments or concerns to the city prior to this meeting. No comments were received. Sauber then closed the public comment portion of this discussion.

The Planning Commission then discussed the Eight Golden Factors. These 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. Below are the factors that were considered:

- 1. The character of the neighborhood*
- 2. The zoning and uses of property nearby*
- 3. The suitability of the property for the uses to which it has been restricted under its existing zoning*
- 4. Extent to which removal of the restrictions will detrimentally affect nearby property*
- 5. Length of time of any vacancy of the property*
- 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*
- 7. Recommendation of professional staff:*
- 8. Conformance with the Comprehensive Plan*

The Planning Commission had no negative comments associated with the Eight Golden Factors that would prevent this rezoning request from being approved.

After additional discussion George Bazin made a motion to approve 405 South 3<sup>rd</sup> Street to be rezoned to "R-1" Single-Family Dwelling District. The motion was seconded by Lee Baer. The motion passed 6-0.

This item and Planning Commission recommendation will be forwarded to the City Council on June 15, 2020 for further consideration.

No further discussion concerning this topic occurred.

**Item 7:** 20001-SUP (Special Use Permit) – 601 South Metcalf Special Use Permit Request to establish a light automotive maintenance shop, Parcel ID: 1093202005003000

Andy Sauber began the discussion by explaining the Applicant's request.

William Leach (Applicant) explained that he is the owner of “Miami County Auto” located in Paola. Leach stated he has been in business in Paola for five years. Leach mentioned that he gets a lot of business from Louisburg and decided to open a shop in town. Leach stated that he will perform light vehicle repairs on the property (tires, brakes, shocks, and oil changes). Vehicles requiring extensive maintenance will be transported to Paola. Leach ended by saying if this shop in Louisburg is successful, he may look for opportunities to expand.

It was noted, Leach will be renting unit 400 in the strip mall located at 601 South Metcalf. The property owner has proved written approval for the applicant to apply for a Special Use Permit to establish a light automotive maintenance shop at the location.

Andy Sauber then opened the discussion for public comment. It was noted that no visitors were logged into the zoom meeting. No public comment was made. It was also mentioned that the public was given an opportunity to submit any comments or concerns to the city prior to this meeting. No comments were received. Sauber then closed the public comment portion of this discussion.

After an extensive discussion, Nate Apple made a motion to approve this Special Use Permit with the below stipulations. The motion was seconded by George Bazin. The motion passed 6-0:

### **Stipulations**

1. **Signage** – Business owner shall update existing signage to advertise new establishment. All updates shall be limited to the same square footage of existing signage. Additional signage shall require a permit and meet the requirements outlined in the City Zoning Regulations.
2. **Trash Containers** – Business owner shall use existing shared trash containers located on the property. Additional trash containers may require enclosures to be installed. Please consult Zoning Department prior to installing additional trash containers.
3. **Outdoor Storage** – Outdoor storage shall be kept to a minimum. Vehicles parked outdoors shall not be junked or in a state that creates an eyesore. The number of vehicles shall be limited to the parking stalls outlines within the lease agreement. No equipment or parts shall be left outdoors.
4. **Solid or Semi-solid fencing** – The Planning Commission has determined additional screening along South Metcalf Road is not required. The existing chain-link fence is sufficient.
5. **Outdoor Lighting** – All changes associated to outdoor lighting shall be approved by the Zoning Department and/or Planning Commission.
6. **Business Expansion** – Changes to this Special Use Permit to include expansion will require Planning Commission Review. Example:
  - Business owner leases additional units
  - Business owner begins to use rear of building (Eastside) for storage. In this case a screening may be required.
  - Additional outdoor storage required.

This item and Planning Commission recommendation will be forwarded to the City Council on June 15, 2020 for further consideration.

No further discussion concerning this topic occurred.

**NON-PUBLIC HEARING BUSINESS ITEMS:**

**OLD BUSINESS:**

**Item 8:** None

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

After a brief discussion with David Walker (property owner), it was determined that the submitted Site-Plan meets minimum requirements outlined in the Zoning Regulations.

Lee Baer made a motion to approve the extension of the existing carwash facility as depicted in the submitted Site-Plan. The motion was seconded by Michelle Olson. The motion passed 6-0.

No further discussion concerning this topic occurred.

**REPORTS:**

**Item 10:** Nate Apple asked if the Planning Commission would be willing to reevaluate residential usage on commercially zoned property.

**Item 12: ADJOURNMENT:**

A motion was made by Nate Apple to adjourn the meeting. Second was made by George Bazin. The motion passed 6-0. Meeting adjourned at 7:10 p.m.

**Submitted by Rusty Whitham**

# Item #6

Planning Commission Meeting Date: June 24, 2020

Address: 705 North 5<sup>th</sup> Street



Proposed 36' x24' Accessory Building 400 Feet West from Street. The property owner wishes to install a gravel driveway to the building

Reference Section 602.B.4 of the City Zoning Regulations:

*“Detached accessory garages or carports shall not exceed a three-car capacity or floor dimensions of thirty-six (36) feet by twenty-four (24) feet and the side walls of said buildings shall not exceed ten (10) feet in height. All accessory garages or carports are subject to design standards and require construction of a hard surface driveway.”*

Reference Section 703.E of the City Zoning Regulations:

*“Surfacing. All off-street parking and loading areas, including driveways and aisles, shall be graded and paved with asphalt, concrete or asphaltic concrete. If a use of business expands which has an off-street parking area that is not surfaced with asphalt, concrete, or asphaltic concrete, the entire off-street parking area must be brought into compliance with the surfacing requirements of this sub-section. If an existing legally nonconforming off street parking surface*

*is expanded without the use or building which it serves expanding, the entire legally non-conforming off-street parking area shall be paved with asphalt, concrete or asphaltic concrete.”*

# June 2020 thru December 2021

## Louisburg Planning Commission Meeting Dates & Submittal Deadlines

Date of Planning Commission Meeting	Pre- Application Conference	Application Submittal Deadline Dates		Public Notice Publication	City Council Consideration	Consideration
		SUP/CUP Rezoning Preliminary Plats	Site Plans & Other			
June 24, 2020	May 13, 2020	May 20, 2020	May 27, 2020	May 29, 2020	July 6, 2020	July 20, 2020
July 29, 2020	June 17, 2020	June 24, 2020	July 1, 2020	July 2, 2020	August 3, 2020	August 17, 2020
August 26, 2020	July 15, 2020	July 22, 2020	July 29, 2020	July 31, 2020	September 8, 2020	September 21, 2020
September 30, 2020	August 19, 2020	August 26, 2020	September 2, 2020	September 4, 2020	October 5, 2020	October 19, 2020
October 28, 2020	September 16, 2020	September 23, 2020	September 30, 2020	October 2, 2020	November 2, 2020	November 16, 2020
* November 18, 2020	October 7, 2020	October 14, 2020	October 21, 2020	October 23, 2020	December 7, 2020	December 21, 2020
* December 16, 2020	November 4, 2020	November 10, 2020	November 18, 2020	November 20, 2020	January 4, 2021	January 19, 2021
January 27, 2021	December 16, 2020	December 23, 2020	December 30, 2020	December 30, 2020	February 1, 2021	February 16, 2021
February 24, 2021	January 13, 2021	January 20, 2021	January 27, 2021	January 29, 2021	March 1, 2021	March 15, 2021
March 31, 2021	February 17, 2021	February 24, 2021	March 3, 2021	March 5, 2021	April 5, 2021	April 19, 2021
April 28, 2021	March 17, 2021	March 24, 2021	March 31, 2021	April 2, 2021	May 3, 2021	May 17, 2021
May 26, 2021	April 14, 2021	April 21, 2021	April 28, 2021	April 30, 2021	June 7, 2021	June 21, 2021
June 30, 2021	May 19, 2021	May 26, 2021	June 2, 2021	June 4, 2021	July 5, 2021	July 19, 2021
July 28, 2021	June 16, 2021	June 23, 2021	June 30, 2021	July 2, 2021	August 2, 2021	August 16, 2021
August 25, 2021	July 14, 2021	July 21, 2021	July 28, 2021	July 30, 2021	September 7, 2021	September 20, 2021
September 29, 2021	August 18, 2021	August 25, 2021	September 1, 2021	September 3, 2021	October 4, 2021	October 18, 2021
October 27, 2021	September 15, 2021	September 22, 2021	September 29, 2021	October 1, 2021	November 1, 2021	November 15, 2021
* November 17, 2021	October 6, 2021	October 13, 2021	October 20, 2021	October 22, 2021	December 6, 2021	December 20, 2021
* December 15, 2021	November 3, 2021	November 10, 2021	November 17, 2021	November 19, 2021	January 3, 2022	January 18, 2022

\* *Change Meeting to 3rd Wednesday of the month*

1. Prior to application submittal, a pre-application conference is recommended by the pre-application date or an alternate date scheduled with the Planning Director.  
Failure to submit a complete application by this time may result in the item being continued to the next scheduled meeting date.
3. A protest petition may be filed concerning a Special Use Permit (SUP) or a Rezoning request within fourteen (14) days after the date of the Planning Commission hearing.  
Consideration by City Council is not scheduled until the protest period has lapsed.
4. Planning Commission meetings are scheduled on the last Wednesday of each month, unless otherwise noted. The meetings are held in the City Council Chamber at 7:00 p.m.