

Louisburg Planning Commission Regular Meeting
6:30P.M. July 29, 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 June 24, 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: None

NON-PUBLIC HEARING BUSINESS ITEMS:

NEW BUSINESS:

Item 6: 20001-BLA (Boundary Line Adjustment) – Lake Subdivision, Phase III, Lots 129, 130 & 131. All lots are located on Danford Drive.

Item 7: 20002-BLA (Boundary Line Adjustment) – Multiple Commercial Tracts of Land located on k68/West Amity. Reference the below addresses:

- 104 West Amity (Parcel ID: 1093004007015000)
- 106 West Amity (Parcel ID: 1093004007012000)
- Vacant land Consisting of 3.34 Acres (Parcel ID: 1093004007011000)

OLD BUSINESS: Any old business the Commission may wish to discuss

Item 8: Discussion concerning the hard surface (Asphalt or Concrete) driveway requirement for new accessory buildings. Reference:

- 602.B.4 of the City Zoning Regulations:
- 703.E of the City Zoning Regulations:

Item 9: Discussion concerning Residential Dwellings/Apartments within commercially zoned properties.

Item 10: REPORTS:

Item 11: ADJOURNMENT:



LOUISBURG PLANNING COMMISSION MEETING MINUTES
Wednesday June 24, 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, George Bazin, Michelle Olson, and Rick Phillips
City Council: Thorvald McKiernan
City Administrator: Nathan Law
Staff: Jean Carder
Recording Secretary: Rusty Whitham
Visitors: James Auth

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 Nate Apple. The motion passed 5-0.

ITEM 3: APPROVAL OF THE MINUTES:

A motion was made by Nate Apple to approve the minutes from the May 27, 2020 minutes. The motion was seconded by Michelle Olson. The Motion passed 4-0-1. Rick Phillips 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: None

NON-PUBLIC HEARING BUSINESS ITEMS:

Item 6: Discussion with a homeowner at 705 North 5th Street concerning a request for a gravel driveway.

Andy Sauber explained the property owner wishes to construct a 24'x36' accessory building approximately 400' from the street and 100' from his south property line. The property consists of 5.84 acres currently zoned within the "R-1" Single-Family Dwelling District. The property owner requests to install a gravel driveway. Sauber mentioned that there is a requirement within Zoning Regulations to install a hard surface driveway when constructing an accessory building. Reference below passages from the 2010 Zoning Regulations:

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"

James Auth (Property Owner) clarified that he does not want to install any driveway leading to his proposed accessory building. However, if required he will construct a gravel driveway if the Planning Commission wishes to have one installed. Auth stated installing a 400' hard surfaced driveway consisting of asphalt or concrete will turn an \$8,000 project into a \$30,000 project instantly.

Auth went on by saying his property is larger than most and the proposed accessory building will not be seen by anyone. His property is secluded, and the proposed building will be screened by trees. Auth understands the hard surface requirement is necessary when accessory buildings are easily seen. Auth's accessory building would not be seen by the public and hard surfacing a driveway would be unnecessary in his opinion.

Andy Sauber asked if there would be a full-sized garage door on the proposed accessory building. Auth explained as of this time he only needs a door large enough to accommodate a 48" zero turn mower.

Sauber then asked Staff what the accessory building door stipulation is for a hard-surfaced driveway. Reference below passages from the 2010 Zoning Regulations:

Reference Section 602.B.3 of the City Zoning Regulations:

"Detached accessory storage buildings with a gross floor area greater than one hundred fifty (150) square feet require a building permit, must be constructed in accordance with the current building code, and are subject to design standards. Sidewalls of said buildings shall not exceed ten (10) feet in height. Any such accessory building that contains an 8-foot wide by 7-foot tall or greater garage door opening, or that exceeds three hundred (300) square feet in gross floor area, shall require construction of a hard surface driveway."

Sauber asked Auth why he was constructing the building so far back on the property. Auth replied by saying he does not want the building seen.

Nate Apple said, it would be nice if we could figure out a way to allow this. This may be a special circumstance; this is a large tract of secluded land within the city.

Apple asked if the elevation slopes towards the pond. Auth replied with yes. Auth suggests the property falls approximately 5' to 6' from the house to the pond.

Michelle Olson mentioned this request would not impede anyone else.

Council Member Thorvald McKiernan suggested there may be an exception for properties zoned within "A-L" Agriculture Zoning District.

George Bazin suggested asphalt millings as a possible middle ground.

Other possible solutions were mentioned. After additional discussion it was the consensus of the Planning Commission to direct Staff to research and determine if there is a way to accommodate the property owner's request to either not install a driveway or install a gravel driveway to his proposed accessory building.

No further discussion occurred concerning this topic.

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

George Bazin mentioned the calendar indicates that meetings start at 7pm. Staff said the calendar will be corrected to reflect meeting start time as 6:30pm.

After a brief discussion Rick Phillips made a motion to approve the calendar June 2020 thru December 2021. Michelle Olson seconded the motion. The motion passed 5-0.

OLD BUSINESS: Any old business the Commission may wish to discuss

Item 8: None

Item 9: REPORTS: None

Item 10: ADJOURNMENT:

A motion was made by Michelle Olson to adjourn the meeting. Second was made by Rick Phillips. The motion passed 5-0. Meeting adjourned at 6:48p.m.

Submitted by Rusty Whitham

ITEM #6

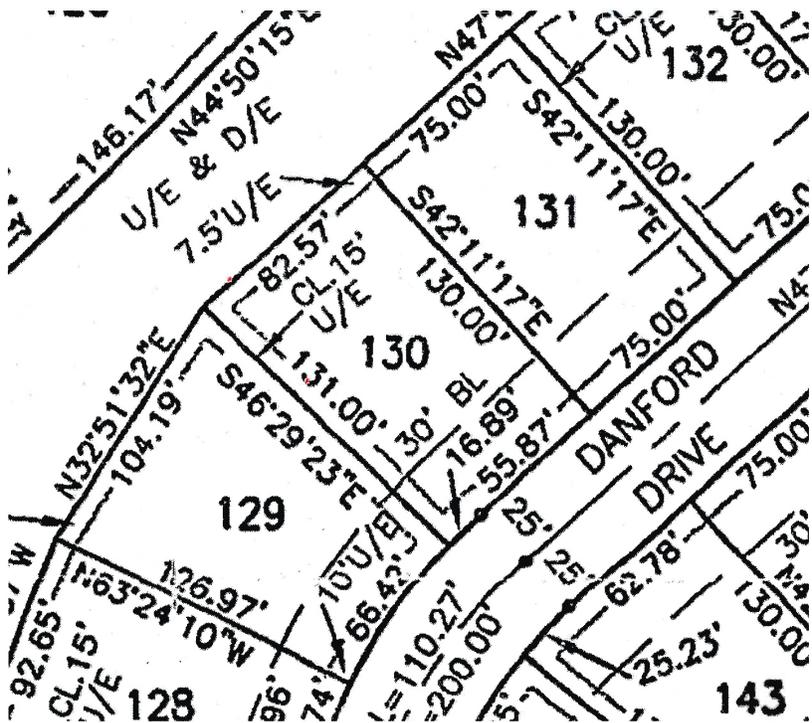
PC Meeting Date: July 29, 2020 @ 6:30pm

Staff approved a Boundary Line Adjustment (BLA) associated with three lots within The Lake Subdivision, Phase III. All three lots are located on Danford Drive. During a Planning Commission Meeting held on July 29, 2015 the following was approved:

“Staff shall review all future boundary adjustment requests administratively and approve all such requests if the Zoning Official does not identify any issues. Staff shall ensure that no Boundary Line Adjustment will encroach on established easements, alleys or roads. Staff may seek additional Planning Commission review for any Boundary Line Adjustment as needed. No processing fees shall be assessed the Applicant. Applicants are responsible for all County filing fees.”

The purpose of this staff report is to ensure the Planning Commission is made aware of all details of Boundary Line Adjustments approved by City Staff.

Lots 129, 130, & 131 were recently purchased by a single owner. The new owner wishes to merge lots 129 and 130 and construct a Single-Family Dwelling on both lots. The owner also wishes to adjust the size of lot 131 and sell it. Below are the original lots as depicted on the Final Plat dated February 21, 2006:



After some investigation it was noted that the 15' Utility Easement between lots 129 & 130 identified on the 2006 Final Plat is in the wrong location. No utilities are in this area. However, there is a stormwater drain line between lots 130 & 131 and no Utility Easement is indicated on the Final Plat.

ITEM #7

PC Meeting Date: July 29, 2020 @ 6:30pm

Staff received a Boundary Line Adjustment (BLA) consisting of multiple commercial tracts of land. Reference the below addresses:

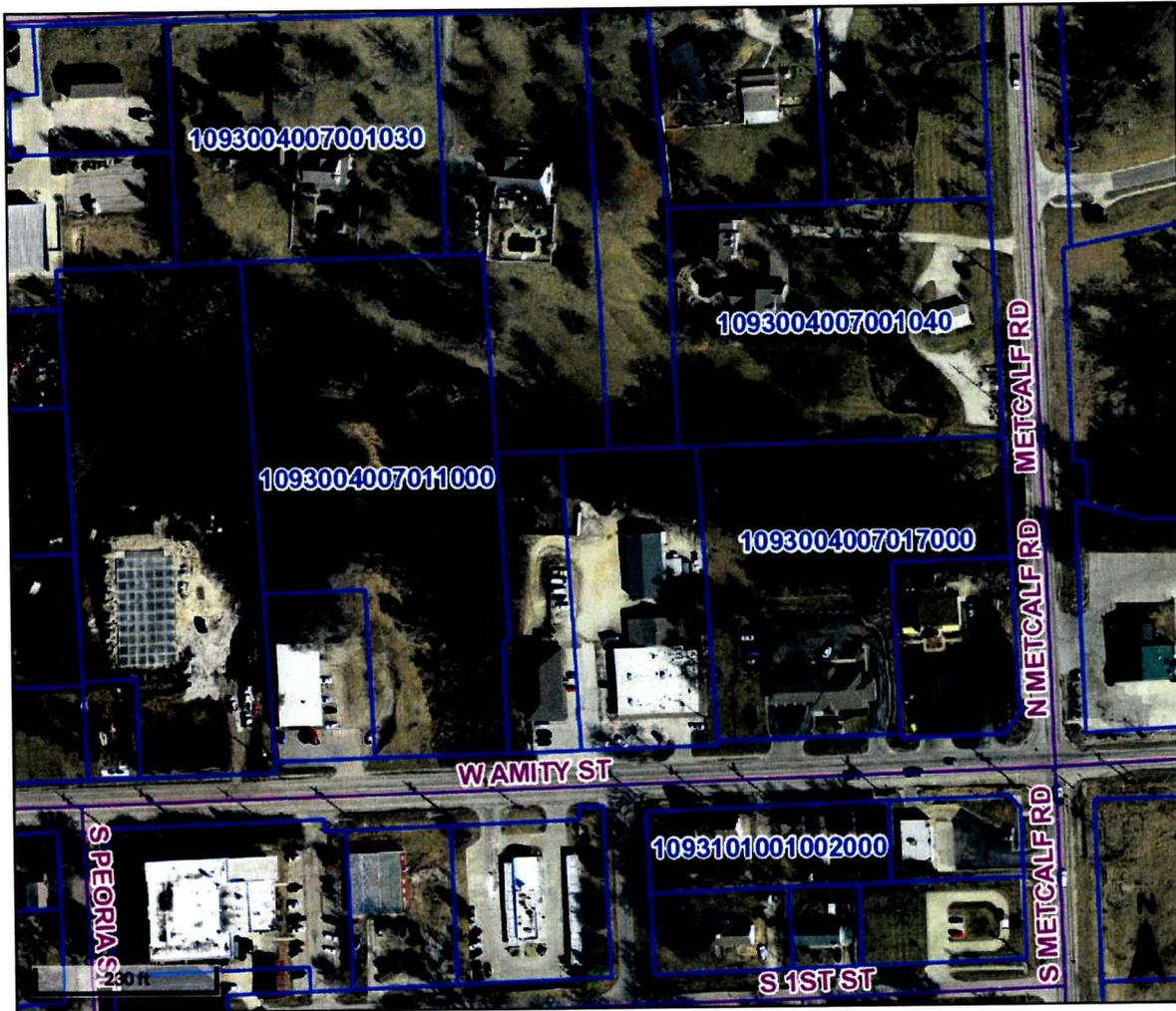
- 104 West Amity (Parcel ID: 1093004007015000)
- 106 West Amity (Parcel ID: 1093004007012000)
- Vacant land Consisting of 3.34 Acres (Parcel ID: 1093004007011000)

During a Planning Commission Meeting held on July 29, 2015 the following was approved:

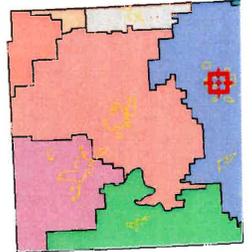
“Staff shall review all future boundary adjustment requests administratively and approve all such requests if the Zoning Official does not identify any issues. Staff shall ensure that no Boundary Line Adjustment will encroach on established easements, alleys or roads. Staff may seek additional Planning Commission review for any Boundary Line Adjustment as needed. No processing fees shall be assessed the Applicant. Applicants are responsible for all County filing fees.”

The purpose of this discussion is to ensure the Planning Commission is made aware of all details concerning this Boundary Line Adjustment request. This Boundary Line Adjustment is unique because it contains multiple commercial properties. No action is required by Planning Commission this discussion is for informational purposes only. Staff believes the attached survey meets property line and minimum lot size requirements. However, Staff has noted the following discrepancies that are required to be corrected prior to approval:

1. The following signature blocks are required:
 - City of Louisburg
 - County Surveyor
 - County Treasurer
 - County Register of Deeds
2. Existing Utilities are not marked
3. Stormwater Easements not marked
4. Utility Easements not marked
5. “Ingress Egress Easement” not identified as “Shared”
6. Zoning Classification not Listed
7. Surveyors Stamp not sign and dated



Overview



Legend

-  City Limits
-  Centerlines
-  Parcels
-  Lakes

Parcel ID= 1093101019003000
 Acres= 0.5137744499999999

Date created: 7/24/2020
 Last Data Uploaded: 7/24/2020 7:16:00 AM

Developed by  Schneider
 GEOSPATIAL

ITEM #8

PC Meeting Date: July 29, 2020 @ 6:30pm

At the request of the Planning Commission, Staff completed a comprehensive review of the requirement to install a hard surface driveway when a new accessory building constructed. Reference Section 602, paragraph B, Zoning Regulations. See attached

Amending the Zoning Regulations may be problematic for the following reasons:

- The Planning Commission recently required the Faith Chapel located at 800 North Metcalf to install a hard surface driveway when they constructed an accessory building on 5.70 acres. Others have also been told to hard surface their driveways. In most cases once the property owner was informed of the hard surface requirement their accessory building plans were cancelled.
- Not all tracts of land with at least 5.84 acres are the same. While 705 North 5th Street is an isolated tract of land not all properties consisting of same acreage have the same topography. 705 North 5th Street is a unique property. An accessory building constructed on a different tract of land of same or similar acreage may not have sufficient natural shielding (trees, vacant adjacent properties, or favorable topography).
- Staff considered setback requirements to allow accessory buildings without a hard-surfaced driveway. Staff considered 100' front setback and 50' side yard setback. While increasing setbacks will work in this situation it may not work in all tracts of land with similar acreage. In addition, drafting a text amendment and create new restrictions complicates the permitting process. Expensive surveys may be required to validate property lines.
- Drafting a text amendment may leave the impression that Zoning Regulations can easily be modified to accommodate a single person. This can create a slippery slope for the Planning Commission.

The Planning Commission should consider the following Options:

1. Planning Commission takes no action and upholds their hard-surfacing requirement as it has been since 2010.
2. Planning Commission creates a text amendment to allow the construction of an accessory building without the hard surface requirement by placing acreage and setback requirements:
 - Must have at least 5.84 acres
 - 50' Side yard setback
 - 100' Front yard setback
 - Property owner has the option to install a gravel driveway or no driveway at all.
3. Eliminate the hard surface requirement entirely.
4. Establish a requirement for a Special Use Permit (SUP) for all proposed accessory buildings on acreage consisting 5.84 acres or some other arbitrary number.

ARTICLE 6 SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 601. HEIGHT REGULATIONS

- A. Chimneys, cooling towers, elevator head houses, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, church steeples, radio and television towers, antennas or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained in the District Regulations.
- B. In all districts, two (2) additional feet of height above the specified height limitation shall be permitted for each one foot of additional front yard provided over the minimum requirement for principal structures only.

SECTION 602. YARD REGULATIONS

- A. Front Yards. The front yards heretofore established shall be adjusted in the following cases:
 - 1. Where fifty (50) percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed a front yard greater than required, then
 - a. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of adjacent buildings on the two sides, or
 - b. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.
- B. Accessory Buildings, Structures and Uses.
 - 1. No accessory buildings or structures shall be erected in any required front or side yard, and no detached accessory building shall be erected closer than five (5) feet to any other building. Accessory buildings may be located in the rear yard, but shall not be closer than five (5) feet to the rear or side lot-line except that if the building has a vehicular alley entrance that is perpendicular to the alley line, the setback of the building shall not be less than ten (10) feet from the alley line and if the building is built parallel to the alley line and has a vehicular entrance from a wall that is perpendicular to the alley line, no setback shall be required from the alley line. No accessory building shall cover more than thirty (30) percent of the required rear yard, be constructed upon a lot until the construction of the main building has been started, or be used for dwelling purposes. Accessory buildings

CITY OF LOUISBURG, KANSAS

ZONING REGULATIONS

shall not be placed within easements. Setbacks shall be equal to or greater than easement width. Accessory buildings shall be ancillary to the primary dwelling and shall be located on the same lot as the primary dwelling. Swimming pools shall maintain a distance of at least ten (10) feet from waters edge to any property line. Concrete decking shall not be located on any utility easement.

2. Detached accessory storage buildings with a gross floor area of one hundred fifty (150) square feet or less do not require a building permit, and are not subject to design standards.
3. Detached accessory storage buildings with a gross floor area greater than one hundred fifty (150) square feet require a building permit, must be constructed in accordance with the current building code, and are subject to design standards. Sidewalls of said buildings shall not exceed ten (10) feet in height. Any such accessory building that contains an 8-foot wide by 7-foot tall or greater garage door opening, or that exceeds three hundred (300) square feet in gross floor area, shall require construction of a hard surface driveway.
4. 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.
5. A larger detached accessory building may be permitted by special use permit as stated in Article 11 if it can be demonstrated that the building will be compatible with the neighborhood in design, location and size. Such request will require preparation of a site plan, will be subject to design standards, and will require construction of a hard surface driveway.
6. Accessory uses shall not be permitted in the required front yard but may be permitted in the side or rear yard.
7. In residential and mobile home districts, dish antennas shall be located only in the rear yard. A dish antenna may be allowed to be located in a side yard by special use permit as outlined in Article 11.

SECTION 603. NUMBER OF STRUCTURES AND USES ON A ZONING LOT

Where a lot or tract is used for other than a single-family dwelling, more than one principal use and structure may be located upon the lot or tract, but only when the building or buildings conform to all requirements for the district in which the lot or tract is located.

SECTION 604. SIGHT TRIANGLE

On corner lots in all districts, except the "C-2" Central Business District, development shall conform to the requirements of the sight triangle as defined by this regulation.

SECTION 703. LAYOUT AND DESIGN REQUIREMENTS

- A. Area. A required off-street parking space shall include the actual parking space and access drives or aisles, ramps, and columns.
- B. Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
- C. Design. Off-street parking spaces shall comply with the design standards relating to curb length, stall depth, driveway width, island width, barriers, and ingress and egress as contained in the Off-Street Parking Standards of this article. No new parking spaces shall be created parallel to the edge of the pavement on non-curb and gutter streets, whether in the right-of-way or on private property. Any new spaces will be created perpendicular to the street and designed and constructed such as to not impede stormwater flow or damage the edges of the existing pavement or street surface.
- D. Lighting. Any lighting used to illuminate off-street parking and loading areas shall be directed away from residential properties in such a way as not to interfere with the residential use. If lighting causes pollution, such as high pressure sodium light fixtures, it shall not be permitted.
- E. 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.

SECTION 704. PLANS AND APPROVAL REQUIRED.

Plans showing the layout of all required off-street parking and loading areas shall be submitted to and approved by the Codes Administrator prior to issuance of a building permit. Before approving any parking layout, the Codes Administrator shall satisfy himself that the spaces provided are usable and meet standard design criteria contained herein. All required off-street parking spaces shall be clearly marked.

SECTION 705. REQUIRED SPACES.

Off-street parking spaces shall be provided as follows:

- A. Dwelling and Lodging Uses.
 - 1. Boarding or rooming houses: One parking space per each three sleeping rooms.

ITEM #9

PC Meeting Date: July 29, 2020 @ 6:30pm

At the request of the Planning Commission, Staff completed a comprehensive review of commercially zoned properties currently utilized for Residential Use. See below zoning requirements for each commercial zoning classification:

"C-0" OFFICE AND INSTITUTION DISTRICT

(Allowed) Multiple-family dwellings.

(Limited Use) Resident apartments within an independent/assisted living facility shall have a minimum of five hundred (500) square feet of living space per apartment. In addition, a common area for use by the residents in the complex, whether attached or detached, shall be provided in the minimum amount of 1200 square feet with thirty (30) square feet added for each dwelling unit over 24 units.

"C-1" NEIGHBORHOOD BUSINESS DISTRICT

(Allowed) Apartments on floors other than the ground floor.

"C-2" CENTRAL BUSINESS DISTRICT

Residential Use not allowed in this Zoning District

"C-3" GENERAL BUSINESS DISTRICT

(Allowed) Apartments on floors other than the ground floor.

(SUP) Mini Storage with one residential dwelling may be erected in conjunction with the facility so as to allow a watchman to reside on the premises.

"C-4" SPECIAL USE BUSINESS DISTRICT

(SUP) Any use permitted in the "C-0", "C-1", "C-2", "C-3" or "C-S" Districts may be requested as a special use in the "C-4" District. Upon approval of the "C-4" District, the use or list of uses for that specific location shall be included and published in the ordinance.

"C-S" HIGHWAY SERVICE DISTRICT

Residential Use not allowed in this Zoning District

Amending the Zoning Regulations may be problematic for the following reasons:

- Drafting a text amendment may leave the impression that Zoning Regulations can easily be modified to accommodate a single person. This can create a slippery slope for the Planning Commission.