

**Louisburg Planning Commission Regular Meeting  
6:30P.M. September 30, 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 August 26, 2020

**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: 2003-Z** (Rezone) 101 North 3<sup>rd</sup> Street from “C-3” General Business District to “R-1” Single-Family Residential District. Parcel ID: 1093004007001010

**Item 6: 2004-Z** (Rezone) 401 & 403 South 1<sup>st</sup> Street from “C-2” Central Business District to “R-1” Single-Family Residential District. Parcel ID: 1093101011001000

**Item 7: 2002-SUP** (Special Use Permit) 206 North Broadway – North Wastewater Lagoons Communications Tower needed to facilitate new Wastewater Treatment Plant located at 29140 South Rogers Road. Parcel ID: 1130600000005010

**Item 8: 2003-SUP** (Special Use Permit) 106 West Amity – Request for Storage and Warehousing. Parcel ID: 1093004007012000

**Item 9: 2001-TXT** (Text Amendment) Accessory Building Driveway Requirements for Tracts of land greater than five (5) acres within R-1 or A-L Zoning Districts - Article 6, Supplementary Districts Regulations, Section 602, Accessory Buildings, Structures and Uses, adding item 8 to paragraph.

**NON-PUBLIC HEARING BUSINESS ITEMS:**

**NEW BUSINESS:**

**Item 10: 2003-SP (Site-Plan)** 106 West Amity –Storage and Warehousing. Parcel ID: 1093004007012000

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

**Item 11: None**

**Item 12: ADJOURNMENT:**



## LOUISBURG PLANNING COMMISSION MEETING MINUTES Wednesday August 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: George Bazin, Les Page, McKenzie Phillips, Michael Sharp, Rick Phillips, Michelle Olson, and Lee Baer  
City Administrator: Nathan Law  
City Council: Thorvald McKiernan  
City Staff: Jean Carder  
Recording Secretary: Rusty Whitham  
Visitors: None

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

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

A motion was made by Les Page to adopt the agenda. The motion was seconded by Michelle Olson. The motion passed 8-0.

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

A motion was made by George Bazin to approve the minutes from the July 29, 2020 minutes. The motion was seconded by McKenzie Phillips. The motion passed 7-0-1. 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:** None

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

**Item 7:** Discussion concerning the hard surface (Asphalt or Concrete) driveway requirement for new accessory buildings. Reference:

602.B.4 of the City Zoning Regulations:

After a lengthy discussion McKenzie Phillips made a motion amending the verbiage of the proposed text amendment presented by Staff. Below is the revised text amendment:

“Tracts of land greater than five (5) acres within R-1 Single-Family Dwelling or A-L Agricultural Districts shall have the option to install a hard surface or gravel driveway leading to any constructed accessory building greater than 300 square feet. Accessory buildings within this category shall have a 100-foot front yard setback and a 50-foot side yard setback.”

Michelle Olson seconded the motion. The motion passed 8-0.

Staff will move forward with a formal text amendment and present it to the Planning Commission during a public hearing on September 30, 2020.

**Item 8: REPORTS:** None

**Item 9: ADJOURNMENT:**

A motion was made by George Bazin to adjourn the meeting. Second was made by Rick Phillips. The motion passed 8-0. Meeting adjourned at 7:11p.m.

**Submitted by Rusty Whitham**

**Item #5**  
**20003-Z (Rezoning)**  
**101 North 3<sup>rd</sup> Street**  
**Parcel ID: 1093004007001010**

Meeting Date: September 30, 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 “SFR, 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 – Agricultural District (A-L) Vacant Land

South – Agricultural District (A-L) Residential Home

East – General Business District (C-3) Residential Home

West – Single-Family Dwelling District (R-1) Residential Home



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 September 9, 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 October 19, 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**  
**20004-Z (Rezoning)**  
**401 & 403 South 1<sup>st</sup> Street**  
**Parcel ID: 1093101011001000**

Meeting Date: September 30, 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 consistent with the Bright Future Comprehensive Plan dated December 4, 2017. This plan identifies this property as “TRF, Two-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 – Central Business District (C-2) Vacant Land

South – Central Business District (C-2) KRS Corporation

East – General Business District (C-3) Wildcat Activity Center

West – Central Business District (C-2) First Option Bank



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 September 9, 2020. To date Staff has not received any comments from the neighbors concerning this proposal.

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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**  
**19002-SUP (Special Use Permit)**  
**Communication Tower**  
**206 North Broadway (North Lagoon)**  
**Parcel ID: 1093202005003000**

Owner: City of Louisburg  
Applicant: City of Louisburg  
Meeting Date: September 30, 2020

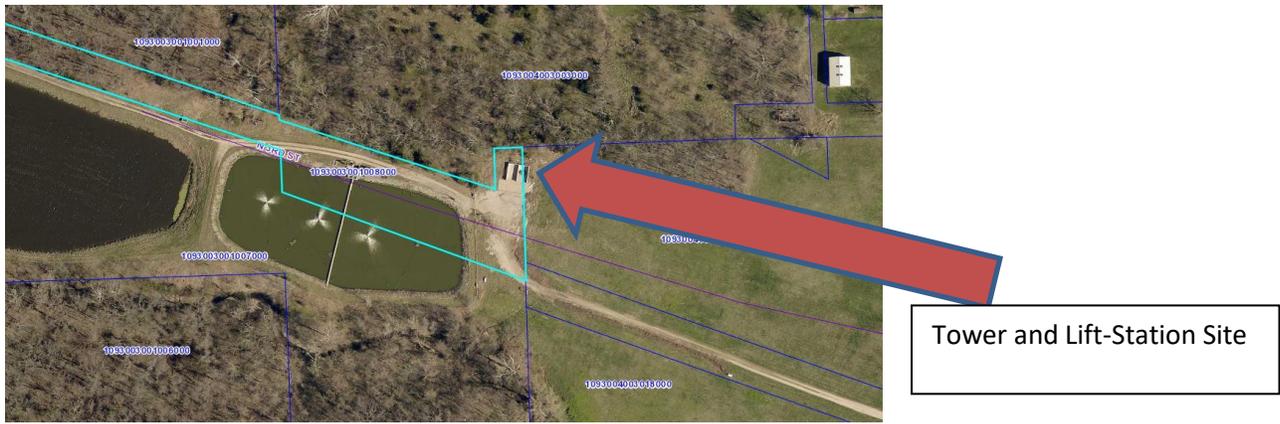
The City wishes to install a forty-four (44) foot communication tower in conjunction with a lift-station at the North Sewer Lagoon site located at 206 North Broadway. This lift-station and communication tower are essential items needed for the proper operation of new wastewater treatment facility currently under construction at 29140 South Rogers Road.

In accordance with section 614 of the City Zoning Regulations a Special Use permit is required to install a forty-four (44) foot communication. See below except from the Zoning Regulations:

*“Radio, communication, and television towers over thirty-five (35) feet in height may be constructed in a "C-1", "C-2", "C-3", "C-S", "B-P", "I-1", or "I-2" district upon approval of a special use permit. A special use permit for a radio, communication, or television tower shall not be granted until an application has been submitted to and approved by the City of Louisburg in accordance with the provisions for special use permit applications as specified in Article 11 of these regulations. All towers shall maintain a hot dipped galvanized finish and shall be a mono-pole design unless otherwise approved by the City.”*

The property selected for this communication tower is within the “I-2” Heavy Industrial Zoning District. Communications towers are allowed in this Zoning District. The engineering company overseeing the construction of the wastewater treatment plant has determined that no other location is feasible for this communication tower. The communication tower and lift-station must be located on the same site to ensure proper operation as required the engineer.

This tower will be solely used by the City of Louisburg in support of wastewater operations. The city may consider other tower space users in the future.



**Adjacent Property Zoning:**

- North – Single-Family Dwelling District “R-1”
- South – Single-Family Dwelling District “R-1”
- East – Heavy Industrial District “I-2”
- West – Agricultural District “A-L”

The City 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 September 9, 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 October 19, 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.

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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 #8**  
**19003-SUP (Special Use Permit)**  
**Storage and Warehousing**  
**106 West Amity**  
**Parcel ID: 1093004007012000**

Owner: MBB, LLC  
Applicant: MBB, LLC  
Meeting Date: September 30, 2020

The Applicant wishes to establish a “storage and warehousing” facility at 106 West Amity (MBB Business Park).

This property is currently zoned within the “C-3” General Business District”. In accordance with section 509, paragraph C.12, “storage and warehousing” is an allowable use within this Zoning District if a Special Use Permit is approved by the Planning Commission.

**Adjacent Property Zoning:**

North – Single-Family Dwelling District “R-1”  
South – General Business District “C-3”  
East – General Business District “C-3”  
West – General Business District “C-3”

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 September 9, 2020. To date Staff has not received any comments from the neighbors concerning this proposal.

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**Items to be discussed by the Planning Commission.** This is not a comprehensive list of discussion items. Other items may be discussed at the Planning Commissions discursion:

1. Hazardous materials - No explosive, combustible or volatile nature materials shall be stored on the property.

## Eight Golden Factors to Consider

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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 #9**  
**20001-TXA**  
**TEXT Amendment**  
**Accessory Building Requirements**

PC Meeting Date: September 30, 2020 @ 6:30pm

On August 26, 2020, the Planning Commission directed Staff to draft a Text Amendment altering the accessory building requirements in Section 602, paragraph B.1 of the Zoning Regulations. This item was also previously discussed by the Planning Commission on June 24th and again on July 29<sup>th</sup>, 2020. As a result of Planning Commission discussions, Staff recommends the following modifications to this section:

Text Amendment to Article 6, Supplementary Districts Regulations, Section 602, Accessory Buildings, Structures and Uses, adding item 8 to paragraph B. The following is the proposed amendment:

(Add Item 8)

*“Tracts of land greater than five (5) acres within R-1 Single-Family Dwelling or A-L Agricultural Districts shall have the option to install a hard surface or gravel driveway leading to any constructed accessory building greater than 300 square feet. Accessory buildings within this category shall have a 100-foot front yard setback and a 50-foot side yard setback.”*

Since this discussion is open to the public, Staff has placed a notice in newspaper to advertise this hearing. This ad appeared in the Miami County Republic newspaper on September 9, 2020. To date Staff has not received any comments 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 October 19, 2020.

The Governing Body shall consider the Planning Commission's recommendation and may either approve the recommendation; override the Planning Commission's recommendation by a 2/3 majority vote of the membership of the Governing Body; or return the proposed amendment to the Planning Commission for reconsideration, as prescribed in the adopted zoning or subdivision regulations. If received for reconsideration, the Planning Commission shall consider the Governing Body's reasons for failure to approve or deny and may resubmit its original recommendation or a revised recommendation. Upon receipt of the recommendation, the Governing Body may approve or deny the proposed zoning or subdivision text amendment.

If the Governing Body approves the requested change, it shall adopt an ordinance to that effect.

**Item #10**  
**19003-SP (Site-Plan)**  
**Storage and Warehousing**  
**106 West Amity**  
**Parcel ID: 1093004007012000**

Owner: MBB, LLC

Applicant: MBB, LLC

Meeting Date: September 30, 2020

The property owner wishes to construct a 20' x 96' three-sided structure for additional storage of concrete forms and materials. See attached Site-Plan for location of proposed storage structure. Also reference enclosed drawing of proposed structure.

**Items to be discussed by the Planning Commission.** This is not a comprehensive list of discussion items. Other items may be discussed at the Planning Commissions discursion:

1. Signage – All signage shall be in accordance with Zoning Regulations.
2. Trash Containers – All trash containers shall be enclosed and concealed from public view.
3. Exterior lighting – Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
4. Outdoor Storage – No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
5. Fencing - A solid or semi-solid fence, hedge or wall at least six (6) feet, but not more than eight (8) feet high, and having a density of not less than seventy (70) percent per square foot, shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the commercial development are separated by a street right-of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property in the "C-3" District.
6. Location of new storage building- The building shall be constructed on the side yard closest to 100 West Amity (Landmark Bank). The side yard setback shall be none in accordance with section 509, paragraph F.2.
7. Stormwater – Stormwater shall be managed so that no water is improperly directed towards adjacent properties in accordance with submitted plans.
8. Driveways and Parking Area - The area between the existing metal structure and the new storage building be hard surfaced with either asphalt or concrete. All other hard surfacing requirements will be discussed as the property is developed further.

9. Exterior Materials of proposed three-sided storage building - This building shall meet design standards outlined in section 618, paragraph A.2 of the Zoning Regulations.

“All other detached accessory buildings, including garages and carports, shall be constructed with like material, including roofing and exterior siding, of the primary structure.”

The primary structure on this property is the business building closest to West Amity. The materials used for this building are wood siding, concrete foundation, and shingled roof system. The property owner may have the option to select to exterior building materials outlined in the Zoning Regulations. (See Attached). The Planning Commission shall discuss exterior material application with the property using the approved material standards.

