

Louisburg Planning Commission
****SPECIAL CALL MEETING****
6:30P.M. November 4, 2020
City Council Meeting Room
215 South Broadway

AGENDA

Item 1: ROLL CALL:

Item 2: ADOPTION OF THE AGENDA:

PUBLIC HEARING BUSINESS ITEMS:

Item 3: 20004-SUP (Special Use Permit) 29140 South Rogers Road – Communications Tower needed to facilitate new Wastewater Treatment Plant currently under construction. This proposed line-of-sight tower is needed to communicate with a tower located at the sewer lift station at 206 North Broadway (Parcel ID: 113060000005010)

Item 4: ADJOURNMENT:

Item #3
20002-SUP (Special Use Permit)
Communication Tower
29140 South Rogers Road (Wastewater Plant)
Parcel ID: 113060000005010

Owner: City of Louisburg
Applicant: City of Louisburg
Meeting Date: November 4, 2020

The City wishes to install a line-of-site communication tower greater than thirty-five (35) feet at the new wastewater treatment plant located at 29140 South Rogers Road. The proposed tower is an essential piece of equipment needed for the proper operation of new wastewater treatment facility currently under construction. This line-of site tower will communicate with a similar tower that will be located wastewater lift station at 206 North Broadway.

The Planning Commission recently approved a forty-four (44) foot communication tower at 206 North Broadway on September 30, 2020. The approval was contingent that this tower be a mono pole structure. The City Council also approved the communication tower and concurred with the Planning Commission's requirement that the tower be a mono pole in style.

In accordance with section 614 of the City Zoning Regulations a Special Use permit is required to install a communication tower greater than thirty five (35) feet. 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.

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.

Proposed Tower



Adjacent Property Zoning:

- North – Agricultural (County)
- South – Agricultural (County)
- East – Agricultural (County)
- West – Agricultural (County)

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 October 14, 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 November 16, 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.

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, is 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?