



LOUISBURG PLANNING COMMISSION MEETING MINUTES
Wednesday September 26, 2018

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, Les Page, Sandy Harris, George Bazin and Michael Sharp
Mayor: Marty Southard
City Council: Kalee Smith
City Administrator: Nathan Law
Staff: Jean Carder
Recording Secretary: Rusty Whitham
Visitors: Richard Lord and Julie Bailes

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 George Bazin. Motion passed 6-0.

ITEM 3: APPROVAL OF THE MINUTES:

A motion was made by Sandy Harris to approve the minutes from the August 29, 2018 meeting. The motion was seconded by Les Page. Motion passed 6-0.

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 concerning potential zoning violations at 204 North Broadway.

Staff explained the major concerns associated with this property are the trailers being used as accessory buildings. The trailers on the property do not meet the building design requirements outlined in section 602 of Zoning Regulations. In addition, a large area of property is used for outdoor storage in violation of section 514, paragraph G.1 of the Zoning Regulations. It was explained in the “I-2 Zoning District” all operations and activities shall be conducted within a building or buildings. Storage may be maintained outside said building or buildings provided the view of said storage area is properly screened from adjacent streets and residential areas. Staff suggested that fencing is needed to screen the outdoor storage. Lastly, Staff mentioned that there are no hard surfaced areas for customer or employee parking. It was suggested that Hometown Feed continues to expand and little effort has been made to accommodate the requirements outlined in the Zoning Regulations.

Richard Lord (Owner of Hometown Feed) mentioned that the property had two (2) existing trailers on it when his business began four years ago. It was noted that Richard Lord leases the property and is not the owner. Lord stated that there are ten (10) trailers in all on the property counting the original two (2) that were on the property prior to his lease. Lord stated since he began discussions with Staff June 2018 he had one (1) trailer removed and two (2) other trailers empty and ready for pickup. Lord stated that it takes a long time to have the trailers removed. He suggested that trailers are leased and the owner is not in a big hurry to pick them up.

Les Page asked how large these trailers are. Lord explained that the trailers are 8’ wide and 40’ long.

Andy Sauber asked if it was possible to remove all trailers and construct a warehouse building. Lord mentioned that he does have plans to construct a large building on the property. He stated that he had an investor interested in buying into his business. The investor expressed interest in purchasing the land and funding the construction of a warehouse but lost interest once they became aware of the hard surface requirements (driveway and parking area). Installing a hard surfaced parking lot and driveway doubled the cost of a new warehouse. The investor stated that he doesn’t have that much money available for that large of improvement to the property. Lord said that he had a solution but it soon evaporated as soon as the cost of the project was materialized.

Lord stated that he is looking for a way to solve this problem but conceded that the right resolution to this issue is to construct a warehouse on the property. An idea was mentioned to Staff back in June 2018 to construct a pole barn on the property and relocate the outdoor storage items behind the building so that it isn’t visible from the street. Staff was favorable to this idea.

Lord stated that he is interested in solving this issue and he is willing to work with Staff to find a resolution. Lord stated that he brought numbers to the meeting and is willing to show them to the Planning Commission meeting that represents his business growth and his impact to the city.

The discussion then focused of the hard surface requirements (driveway and parking area).

City Councilperson Kalee Smith asked for clarification on hard surfacing requirements. She wanted to know if a new building is constructed on an existing site are they required to hard surface the driveway and parking area. Smith asked since this is an existing site wouldn't they be grandfathered. Les Page mentioned that any new construction would require hard surfacing.

Nate Apple asked if the hard surfacing requirement applies to Industrial Zoning Districts. Apple suggested that gravel driveways and parking areas may be allowed in Industrial Zoning Districts. Staff replied that the hard surfacing of driveways and parking areas is a requirement regardless of zoning district. Gravel is not an allowable surface.

Administrator Nathan Law mentioned that he has been in discussions with the business owner for two years in search of a reasonable plan that will work for the owner. Nate Apple asked what can the Planning Commission do to help. Administrator Nathan Law suggested that the Planning Commission may help in formalizing a plan that is agreeable with the city and the owner to ensure that the property is complaint with our Zoning Regulations. Law suggested that there is a workable plan out there we just need to find it. The Planning Commission has some flexibility to work with property owners to ensure requirements such as hard surfacing are accomplished. The Planning Commission has worked with property owners in the past. Law mentioned that phased-in approach to paving may be an option. Law stated that the key to allowing this flexibility is having a plan. It was mentioned that the City itself has used a phased-in approach in the past to hard surfacing projects due to costs.

Andy Sauber asked how big of a building is the business owner wishing to construct. Richard Load stated that he would have built a 50'x72' building and constructed it in the parking lot near the existing structure. The new warehouse would have been built perpendicular to the existing structure creating an L formation. This site-plan would reduce the amount of area requiring hard surfacing and provide a concealed location behind the new warehouse for outdoor storage.

Richard Lord explained that one of the biggest challenges he has is the storage of hay, straw, and alfalfa bales. Hometown Feed is the only business in town that sells these items. The only other place to procure these items is on farms located in the county and it would be difficult for anyone to purchase single bales. Hometown Feed is fulfilling a community need. A large portion of trailers currently on the property are used to store single bales of hay, straw, and alfalfa.

Administrator Nathan Law suggested that Staff is willing to pare back as much as possible the area requiring hard surfacing. However, a minimum parking and loading area shall be paved to meet zoning requirements.

Les Page suggested that we have accessory buildings within the city that are greater than 300' that don't have hard-surfaced driveways. Page mentioned that due to cost we have allowed them to phase-in in the hard surfacing. Page also suggested that the Planning Commission reduce the width of driveway to 15'-20'. This will give the owner enough flexibility to allow sufficient parking and access to the property while cutting costs.

Staff reminded the Planning Commission that the owner is required to go through the Site-Plan process and obtain permits prior to construction.

After additional discussion George Bazin made a motion to allow the property owner 1 year (September 26, 2019) to remove all the temporary storage trailers from the property. This time is also intended to provide the owner an opportunity to secure funding for property improvements such the construction of a warehouse facility. This motion was seconded by Sandy Harris. The motion passed 6-0.

No further discussion concerning this item occurred.

Item 7: Discussion concerning fence requirements outlined in section 611 of the Zoning Regulations.

Staff mentioned that there may be another agricultural type fence going up in the city. Staff was able to contact the property owner and it was stopped until the Planning Commission is able to discuss fencing requirements.

Staff is asking if the Planning Commission is willing to formally discuss fencing requirements in a public hearing format and determine if a text amendment is need to change the Zoning Regulation. The purpose of this text amendment is to better specify fencing requirements outlined in Article 6, Supplementary Districts Regulations, Section 611. Staff recommends the following changes:

Paragraph G shall be amended to read as:

All fences shall be constructed with the support posts and vertical or horizontal support members located on the inside perimeter of the fence. Only approved fencing materials shall be used as support posts. Fences shall be continuous using like materials throughout. Workmanship shall have a professional appearance and shall not create blight within the surrounding area.

Paragraph M shall be added and read as:

Perimeter fences shall have permanently anchored support posts. Fence panels shall be constructed using the following materials: Concrete Masonry Blocks, Chain link, Pre-fabricated Composite Plastic Fencing, Wood (picket or privacy fencing), Aluminum or Wrought Iron pre-engineered fencing. Perimeter fences shall not be built with agricultural material or fencing such as barb wire, chicken or hog wire. Agricultural fencing may be used to contain livestock as long as residential homes are not adjacent to agricultural property and upon approval of the Planning Commission. Temporary fencing shall not be permitted.

After a short discussion Les Page made a motion to have the Planning Commission to formally discuss the recommended text amendment to modify fence requirements located in section 602 of the Zoning Regulations. This discussion will occur during a public hearing at the next scheduled Planning Commission meeting. The motion was seconded by Sandy Harris and passed 6-0.

Staff indicated that this item will be formally discussed at a public hearing during the October 24, 2018 Planning Commission meeting.

Item 8: Discussion with Julie Bailes (homeowner 104 South 1st Street) concerning a recently installed accessory building.

Julie Bailes mentioned that she purchased her home in August 2018. Since that time she has determined that the basement/garage is useless because the driveway funnels water into it causing it to flood. Because of the potential for flooding the only things she can store in the garage must be kept in an enclosed plastic tubs. Bailes stated that she cannot store her tools, riding mower, trailer or her motorcycle in her garage. In addition, there is a concrete lip located in the garage that prevents her from driving her motorcycles into the garage.

Bailes went on to say they noticed the portable sheds sold by Rocky Acres in the Timbercreek parking lot. She was unaware of the 150sq. ft. size limitations and purchased a 14'x24' (326sq. ft.) shed from Rocky Acres. Bailes said that she was told during a City Council meeting on September 17, 2018 that the owners of Rocky Acres are aware of the maximum allowable size of portable sheds in Louisburg and that the company was told not to sell sheds that exceed the limit to customers living within city limits. Bailes said this information was never relayed to her so she purchased the shed and had it delivered to her home. In addition, because the building was constructed off site, Bailes thought a permit was not needed. She also mentioned that she has lived in the Louisburg area (Miami County) for many years but is unaware of city rules.

Bailes stated that there is a dilapidated small shed on the property that will be removed. The new shed was placed on an existing concrete slab. The smaller concrete slab needs to be extended to accommodate the larger shed. Her husband is a concrete mason and he is willing to extend the slab. She also mentioned that they plan to paint the house and shed to match each other.

Andy Sauber explained all sheds over 150sq. foot in size requires a proper foundation and a permit. Bailes asked if the concrete slab qualifies as a foundation. Staff mentioned that the foundation and structure must meet building code. Footing must be 36" deep and large enough to support the structure.

City Council Member Kalee Smith asked wouldn't it be better if we allowed larger portable sheds in the city so that people can have a place to store their possessions instead of having them keep things cluttered outside. Storing items in a shed would be consistent with the city's beautification efforts. Staff explained that they only enforce the criteria outlined in the Zoning Regulations. The City Council upon advice from the Planning Commission is responsible for establishing policy.

Andy Sauber stated that he likes the 150sq ft. limitation on portable sheds. Julie Bailes asked does building 150sq ft. or less require a foundation. Les Page replied with no and added that sheds over 300sq ft. require a hard surfaced driveway.

Bailes asked if Rocky Acres was not supposed to sell this type of portable shed to individuals living in Louisburg what is her recourse. Andy Sauber suggested addressing this issue with Rocky Acres and see if they are willing to take it back.

Bailes then stated that she was told by City Staff that portable sheds larger than 150sq ft. are not allowed within city limits because we don't want to look like Osawatomie. Bailes stated that this is offensive. Rusty Whitham interjected himself into the conversation by saying he was the one who made the comment. Whitham immediately apologized to the residents of Osawatomie.

Bailes also mentioned that there are numerous homes in Louisburg that are in disrepair and properties requiring cleaning. She was willing to provide pictures and addresses to Staff if needed.

After further discussion it was the general consensus of the Planning Commission that the shed purchased by Bailes did not meet the standards outlined in the Section 602, paragraph B of the Zoning Regulations. The shed that was placed at 104 South 1st Street needs to be removed from the property.

Item 9: Discussion with Julie Bailes (homeowner 104 South 1st Street) concerning a request to install an electrical fence on her property.

Chairperson Andy Sauber opened this item up for comment. At that time Julie Bailes indicated that she is not interested in continuing any further conversations with the Planning Commission. As Bailes began to leave the City Council Chamber she mentioned that there was a porta john located at 202 South 3rd Street. She asked why is that allowed to remain and her portable shed must be removed. Julie Bailes left the chambers at 7:20pm.

Jean Carder mentioned that she found guidance in the City Code prohibiting the use of electrical fencing to contain dogs. Carder referenced Chapter 11, Article 1, paragraph 2-112 (e). This passage of the City Code States:

“Barbed wire fences and electrically charged fences shall not be permitted for animal confines except on properties for which an agricultural classification permit is held or where the barbed wire fence or electrically charge fence is protected by an exterior fence.”

It was noted that there is no mention of electrical fencing in the Zoning Regulations. Les Page suggested that underground dog fences should allowed.

After additional discussion George Bazin made a motion to include guidance concerning electrical fences in the upcoming text amendment discussion. This motion was seconded by Les Page. The motion passed 6-0.

Staff indicted that this item will be formally discussed at a public hearing during the October 24, 2018 Planning Commission meeting.

After the meeting Staff drafted a proposed text amendment to Article 6, Supplementary Districts Regulations, Section 611 of the Zoning Regulations. Staff recommends adding paragraph N.

Paragraph N shall be added and read as:

Above-ground electrical fencing shall not be allowed in any Zoning District. Below-grade electrical dog fencing shall be allowed in all Zoning Districts upon issuance of a permit.

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

Item 10: None

NEW BUSINESS:

Item 11: Discussion concerning upcoming Ethics and Kansas Open Meeting Act training.

Administrator Law mentioned that there is an opportunity for training for all board and commission members. Law clarified by stating that ethics is just a portion of this training. This training is more extensive than just ethics. Topics that will be discussed include: how to conduct meetings, Kansas Open Meeting Act and Kansas Open Records Act

Mayor Marty Southard restated that this training is available for all the boards and commissions. This training will be held on Monday November 12, 2018 at Louisburg City Hall. The training will begin at 6pm and end at 9pm. It was also mentioned that dinner will be served.

Both the Mayor and City Administrator encouraged everyone to attend.

REPORTS:

Item 12: None

Item 13: ADJOURNMENT:

A motion was made by George Bazin to adjourn the meeting. Second was made by Les Page. The motion passed 6-0. Meeting adjourned at 7:35 p.m.

Submitted by Rusty Whitham