



## LOUISBURG PLANNING COMMISSION MEETING MINUTES WEDNESDAY MAY 25, 2016

The Planning Commission of the City of Louisburg, Kansas met at 7:00 p.m. in the City Hall Council Chambers with Chairperson Andy Sauber presiding.

### **ATTENDANCE:**

Commission Members: Nate Apple, Rick Phillips, Les Page, Thorvald McKiernan, Anne Smith and Gus Strughen  
City Administrator: Nathan Law  
City Council: David Cannon  
Recording Secretary: Rusty Whitham  
Visitors: John Clayton, Margaret Hahn, Catherine Blair

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

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

A motion was made by Nate Apple to adopt the agenda as submitted. The motion was seconded by Les Page. Motion passed 7-0.

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

A motion was made by Nate Apple to approve the minutes from the April 27, 2016 meeting. The motion was seconded by Thorvald McKiernan and passed 5-0. Rick Phillips and Les Page 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: 16002-SUP (Special Use Permit)** 1200 Square Foot Accessory Building located at 800 North Metcalf Road, Faith Chapel (Parcel ID: 1093004001001010)

Chairperson Andy Sauber asked Staff if there is any additional information that the Planning Commission needs to be aware of. Staff replied with no. Sauber opened this item up for public discussion.

Margaret Hahn approached the Planning Commission concerning the Faith Chapel Special Use Permit request. Ms. Hahn is the property owner of a single family residential home located at 1 North 9<sup>th</sup> Street. Her house is adjacent to the N/E corner of the Churches' property Hahn wanted everyone know that she is thrilled the Faith Chapel. She mentioned that the church maintains their property extremely well. She also added that she has lived on her property for over forty years and stated that the church is a wonderful neighbor. However, she is concerned that the exterior security lighting on proposed accessory building will be a disturbance at night. Hahn stated that she has already installed curtains in her bedroom to block the church parking lot lights. She is worried that the security lights on the new accessory building will provide additional indirect light onto her property.

A discussion occurred concerning the exact location of the proposed accessory building. It was determined that the accessory building will not be directly behind Ms. Hahn's home and she was assured that the lighting associated with the building will not adversely affect her property. Ms. Hahn was pleased with the answer she was given.

No further comment was made. Chairperson Andy Sauber closed the public comment portion of this discussion.

Sauber read aloud Staff recommended stipulations. Les Page asked about the exterior material that will be on the building. Pastor John Clayton (representing the Faith Chapel) responded by stating that the building will be purchased from Sutherlands and there will be 25 gauge metal covering 25% of the exterior building at the bottom. Smart wood siding will cover the remaining 75% at the top. This will meet the City's design standards.

Pastor John Clayton asked if the \$300 Special Use Permit fee can be waived. Nathan Law replied that it's the Planning Commissions prerogative to waive the fee. However, Law cautioned that Planning Commission that waiving such fees may set a precedence. Nate Apple made a motion to waive the fee for the Faith Chapel. Thorvald McKiernan seconded the motion. The motion failed 3-4.

No further discussion occurred. A motion was made by Anne Smith to approve a Special Use Permit for the construction of 1200 Square Foot Accessory Building located at 800 North Metcalf Road with the following stipulations:

- 1. No exterior lighting shall be directed to the sky or towards neighboring properties.*
- 2. Accessory Building shall be constructed in accordance with submitted plans and meet requirements outlined in the 2003 International Building Code.*
- 3. Permits shall be required for all construction. All contractors shall be licensed with Miami County.*
- 4. Accessory Building shall be placed on property in accordance with setback requirements.*
- 5. Accessory Building shall meet Design Standards outlined in Section 618 of the Zoning Regulations to include Exterior Building Material Applications.*
- 6. Accessory Building shall have a hard surface driveway consisting of either concrete or asphalt in accordance with Section 602, Item B.3 of the Zoning Regulations. The Driveway shall be a minimum of 8' wide.*

The motion was seconded by Thorvald McKiernan. The motion passed 7-0.

**Item 6: 16001-TXA (Text Amendment) Design Standards for buildings Constructed in “A-L” Agricultural Zoning District.**

Chairperson Andy Sauber asked Staff if there is any additional information that the Planning Commission needs to be aware of. Staff replied with no. Sauber read aloud the proposed Text Amendment and then opened this item up for public discussion.

No public comment occurred. Chairperson Andy Sauber closed the public comment portion of this discussion.

Les Page wanted to know the definition of livestock. Page suggested chickens may be considered livestock. We need to define livestock. The Planning Commission needs to consider future requests. Page suggested that we need not to be shortsighted and consider the possibility of future City growth. What we determine now may affect future requests.

It was agreed that the term Livestock be replaced with Large Animals/Livestock.

It was suggested that Large Animal be defined as animals such as Horses, Cattle, Goats and Sheep. Chickens, birds and other types of fowl shall not be classified as Large Animals/Livestock.

After additional discussion Nate Apple made a motion to approve the below Text Amendment to the 2010 Zoning Regulations:

1. *Text Amendment to Section 618, Design Standards, adding Subsection F.e, exempting Exterior Building Material Applications for structures constructed within the “A-L” Agricultural Zoning District. The following is the addition to the Zoning Regulations:*
  - e. *In the “A-L” Agricultural Zoning District, buildings constructed on 20 or more contiguous acres used for agricultural purposes (Large Animals/Livestock or Farming) shall be exempt from exterior wall building application requirements.*
2. *Text Amendment to Section 602, Yard Regulations, adding Subsection B.8, exempting structures constructed within the “A-L” Agricultural Zoning District from requiring hard surface driveways. The following is the addition to the Zoning Regulations:*
  8. *In the “A-L” Agricultural Zoning District, Accessory Buildings constructed on 20 or more contiguous acres used for agricultural purposes (Large Animals/Livestock or Farming) shall be exempt from the hard surface driveways requirement.*

The motion was seconded by Thorvald McKiernan. The motion passed 7-0.

**NON-PUBLIC HEARING BUSINESS ITEMS:**

**Item 7: 16003-SP (Site-Plan) Bus Barn and Garage /Commercial Storage Area located at 7420 K-68 Highway (Parcel ID: 1092900000011000)**

Chairperson Andy Sauber explained that the Bus Barn located at 7420 K-68 Highway is within the “C-4” Special Use Business Zoning District. City Ordinance 761, dated February 5, 2001 outlines stipulations associated with this property. Using the Bus Barn property as a commercial storage facility for equipment and trailers may not be consistent with the terms outlined in the ordinance.

*“An Ordinance granting approval of a Special Use Permit for the Operation of an Automotive Parking lot and Garage, including a School Bus Facility for the parking and maintenance of school buses on certain lands located in the City of Louisburg, Kansas”*

It was recommended at the April 27<sup>th</sup> Planning Commission meeting that this property may require a new Site-Plan and an updated Special Use Permit. The new Site-Plan and Special Use Permit may allow the commercial storage of equipment and other items that are on the property. Items such as trailers, boats and construction equipment are currently stored on the property. These items are not specified in Ordinance 761.

Chairperson Andy Sauber read aloud Staff recommended stipulations for the proposed Site-Plan. Staff provided the stipulations for discussion purposes only.

After extensive discussion most Planning Commission Members agreed that a new Site-Plan is not required. However, a revised Special Use Permit to allow the outdoor storage of items such as equipment and boats on the property shall be required. Nate Apple and Andy Sauber both mentioned that the verbiage on the existing Special Use Permit should be cleaned up to specify what can be stored on the property. Apple also stated that this property has been used for storage for many years without issue.

Les Page disagreed. Page mentioned that the use of the property is totally not what was intended in the original Site-Plan and Special Use Permit. He suggested that an updated Site-Plan maybe the best course of action.

A discussion occurred concerning stipulations that should be placed on the property. Nate Apple made a motion to approve the following stipulations:

1. *No Hazardous Materials (HAZMAT) shall be stored on the property.*
2. *The Applicant shall obtain a Special Use Permit from the Planning Commission and pay the \$300 fee City Ordinance 855.*
3. *Exterior lighting shall not be directed to the sky or towards neighboring properties.*
4. *All signage shall be in accordance with Zoning Regulations. All signs shall have a permit.*
5. *Noise shall be kept at a minimum so that it doesn't disturb neighbors.*
6. *Permits shall be required for all future construction and all contractors shall be licensed with Miami County.*
7. *The property will be kept clean, free of weeds and vegetation, trash, garbage, and any pools of standing water which harbor insects and rodents.*
8. *The property will not be used to store any junked, abandoned, or non-operational vehicles or equipment.*

9. *Shipping containers shall not be used for storage.*
10. *Existing trees and shrubs located on the west side driveway provide sufficient concealment of stored items. Owner shall be responsible for the replacement of such trees and shrubs that become damaged or die. All outdoor storage shall be limited to the Westside of the driveway behind the trees.*
11. *The above ground diesel storage tank shall meet requirements outlined by the EPA and KDHE.*
12. *Property shall be used for Automotive Parking lot and Garage, including a School Bus Facility for the parking and maintenance of school buses.*
13. *Outdoor storage of Automobiles, Boats, Trailers, and Equipment shall be allowed on the property.*
14. *No Item greater than 20' in height shall be stored outdoors..*

Anne Smith seconded the motion. The motion passed 6-1. Les Page voted no. The above stipulations will be presented to the Planning Commission at the July 27<sup>th</sup> meeting when the revised Special Use Permit is discussed.

**Item 8:** Review and Approval of Meeting Schedule & Submittal Deadlines.  
(January 2017 – December 2017)

After some discussion Nate Apple made a motion to approve the Meeting Schedule & Submittal Deadlines (January 2017 – December 2017). Anne Smith seconded the motion. The motion passed 7-0.

**Item 9:** **OLD BUSINESS:** Any old business the Commission may wish to discuss

None

**Item 10:** **NEW BUSINESS:**

Nate Apple asked if there anyone would have any objections to changing the Planning Commission meeting start time from 7pm to 6:30pm. No objections were made. Nathan Law mentioned that the City is reviewing all operational ordinances and this would be a good time for such a change. Law suggested that this request should be made with a formal vote by the Planning Commission.

Nate Apple made a motion to change the Planning Commission meeting start time from 7pm to 6:30pm. The motion was seconded by Rick Phillips. The motion passed 7-0. This item will be forwarded to the City Council for further discussion.

Thorvald McKiernan asked if anyone was interested in reviewing the properties that are zoned Agricultural (A-L). McKiernan suggested that there are a few properties in the city that are zoned A-L that are not being used for agricultural purposes. Chairperson Andy Sauber asked Staff to research this topic.

Chairperson Sauber read a Thank You card from the City Council in appreciation for all the work the Planning Commission has done.

**Item 11:      REPORTS:**

None

**ITEM 12:      ADJOURNMENT:**

A motion was made by Thorvald McKiernan to adjourn the meeting. Second was made by Nate Apple. The motion passed 7-0. Meeting adjourned at 8:13 p.m.

**Submitted by Rusty Whitham**