

AGENDA
CITY OF AUGUSTA
PLANNING COMMISSION
February 25, 2019
8:00am

“Augusta – Where the metro’s edge meets the prairie’s serenity offering the perfect blend of opportunity and proximity for living, commerce and culture.”

A. CALL TO ORDER

B. MINUTES

1. JANUARY 21, 2019 PLANNING COMMISSION MEETING MINUTES

Approval of minutes for the January 21, 2019 Planning Commission meeting.

a) Planning Commission Motion / Vote

C. BUSINESS

1. Z2019-02: ZONING DISTRICT RECLASSIFICATION FOR PROPERTY LOCATED AT 10202 SW PAMPAS ROAD

Consider approval of a zoning district reclassification from R-6B Rural Residential (5 – 9.99 Acres) to R-6A Rural Residential (1 – 4.99 Acres) for Tract a located at 10202 SW Pampas Road.

- a) Staff Report
- b) Open Public Hearing
- c) Close Public Hearing
- d) Golden Factors
- e) Planning Commission Motion / Vote**

2. Z2019-03: CONDITIONAL USE PERMIT FOR 1618 NORTH OHIO STREET

Consider approval of a Conditional Use Permit requested by Global Parts, Inc. to use the old Wal-Mart store located at 1618 North Ohio Street for bulk storage of aircraft parts and light assembly/light manufacturing.

- a) Staff Report
- b) Open Public Hearing
- c) Close Public Hearing
- d) Review Golden Factors
- e) **Planning Commission Motion / Vote**

3. Z2019-04: REQUEST FOR A VARIANCE FROM THE ZONING REGULATIONS FOR 445 EAST 15TH STREET

Consider approval of a variance from the zoning regulations requested for the redevelopment of residential property located at 445 East 15th Street.

- a) Staff Report
- b) Open Public Hearing
- c) Close Public Hearing
- d) **Board of Zoning Appeals Motion / Vote**

4. Z2019-05: AMENDMENT TO CITY OF AUGUSTA ZONING REGULATIONS

Consider approval of an amendment to the zoning regulations for the City of Augusta pertaining to the time allowance of Recreational Vehicles.

- a) Staff Report
- b) Open Public Hearing
- c) Close Public Hearing
- d) **Planning Commission Motion / Vote**

D. MATTERS FROM / FOR COMMISSION

- 1. March 11, 2019 – Zoning District Reclassification from R-5 Planned Residential Subdivision to R-1 Single-Family Dwellings for property located at 1900 North Custer Lane;
- 2. Family 1st Living Master Drainage Plan

E. ADJOURN



Planning Commission Minutes
January 21, 2019
8:00am

- Members Present:** David Bisagno; Connie Thurman; Nick Hoefgen; Jim Keller; Jake McClure; Elmer Simon
- Members Absent:** Rick Blue
- Staff Present:** Cody Sims, Assistant City Manager
Susan Smith, Community Development Administrative Assistant
- Visitors Present:** Angie Johnston

Minutes:

Hoefgen made a motion to approve the minutes from the December 10, 2018 meeting; Keller seconded the motion. Simon abstained from voting due to being absent on December 10th.

Business:

Elect Planning Commission Chair and Vice Chair for 2019. Simon made a motion to nominate David Bisagno as Chairman of the Planning Commission; Keller seconded the motion. Motion carried without opposition. Hoefgen made a motion to approve Connie Thurman as Vice-Chairman of the Planning Commission; Simon seconded the motion. Motion carried without opposition.

Final Plat and Zoning District Reclassification for Family 1st Living Addition. Keller made a motion to approve the Final Plat for the Family 1st Living Addition located at the southeast corner of Campbell Road and Cedar Lane; Thurman seconded the motion. Motion carried without opposition. (Nick Hoefgen and Jake McClure abstained from voting due to a conflict of interest.)

Bisagno opened the public hearing for the zoning district reclassification from R-1 Single-Family Dwellings to R-4 Manufactured Home Park. With nobody from the public present to speak, Bisagno closed the public hearing. Bisagno then read the Golden Factors:

1. The character of the neighborhood:

The character of the neighborhood is varying densities of residential with the Burlington Northern Santa Fe Railway tracks located immediately south.

2. The zoning and uses of property nearby:

Surrounding property is zoned R-4: Manufactured Home Park for the existing Oak Ridge Manufactured Home Park. There are also properties zoned R-1, R-3, and R-5 in the vicinity of the subject property.

3. The suitability of the subject property for the uses to which it has been restricted under its existing zoning:

The subject property could be used for single-family housing; however, the property has remained vacant for many years. Railroad tracks adjoin the property to the south.

4. Extent to which removal of the restrictions will detrimentally affect nearby property:

Removal of the restrictions are unlikely to detrimentally affect nearby properties because the current zoning classification of surrounding properties is equal to the requested zoning classification for Lot 1, Block A of Family 1st Living Addition. In addition, all properties surrounding the subject property are owned by McClure Family Limited Partnership, L.P.

5. Length of time the subject property has remained vacant as zoned:

The subject property has remained vacant as zoned for several years since residential dwellings were removed from the site.

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 zoning district reclassification will allow growth in a well-maintained manufactured home park and provide additional housing space for the target market. New water and sewer infrastructure and a street improved to city standard will further strengthen the gain to the public health, safety and welfare. No hardship on other individual landowners is expected.

7. Recommendation of professional staff:

Professional staff recommends approval of the zoning district reclassification from R-1 Single-Family Dwelling to R-4 Manufactured Home Park.

8. Conformance with the Comprehensive Plan:

The request conforms with the Comprehensive Plan. The Future Land Use Map shows the area (including the existing Oak Ridge Manufactured Home Park) as higher density residential, which includes R-4.

Thurman made a motion to approve the zoning district reclassification from R-1 Single-Family Dwellings to R-4 Manufactured Home Park for Lot 1, Block A of the proposed Family 1st Living Addition to the City of Augusta, Butler County, Kansas; Simon seconded the motion. Motion carried without opposition.

Adjourn:

Keller made a motion to adjourn at 8:23am; McClure seconded the motion. Motion carried without opposition.

/s/Susan Smith, Secretary



**CITY OF AUGUSTA
PLANNING COMMISSION
AGENDA REPORT**

Meeting Date: February 25, 2019
Department: Community Development
Submitted By: Cody Sims, Assistant City Manager
Prepared By: Cody Sims, Assistant City Manager
Agenda Title: **Z2019-02: Zoning District Reclassification for Property Located at 10202 SW Pampas Road**

RECOMMENDED ACTION:

Approval of a zoning district reclassification from R-6B Rural Residential (5 – 9.99 Acres) to R-6A Rural Residential (1 – 4.99 Acres) for Tract A located at 10202 SW Pampas Road.

BACKGROUND:

Jerramy Pankratz, the owner of property located at 11296 SW 104th Terrace, submitted a survey for a lot split to the Community Development Office in August 2018. The survey was produced by Goedecke Surveying, LLC and was approved administratively on August 30, 2018. Pursuant to Section 700 of the Subdivision Regulations:

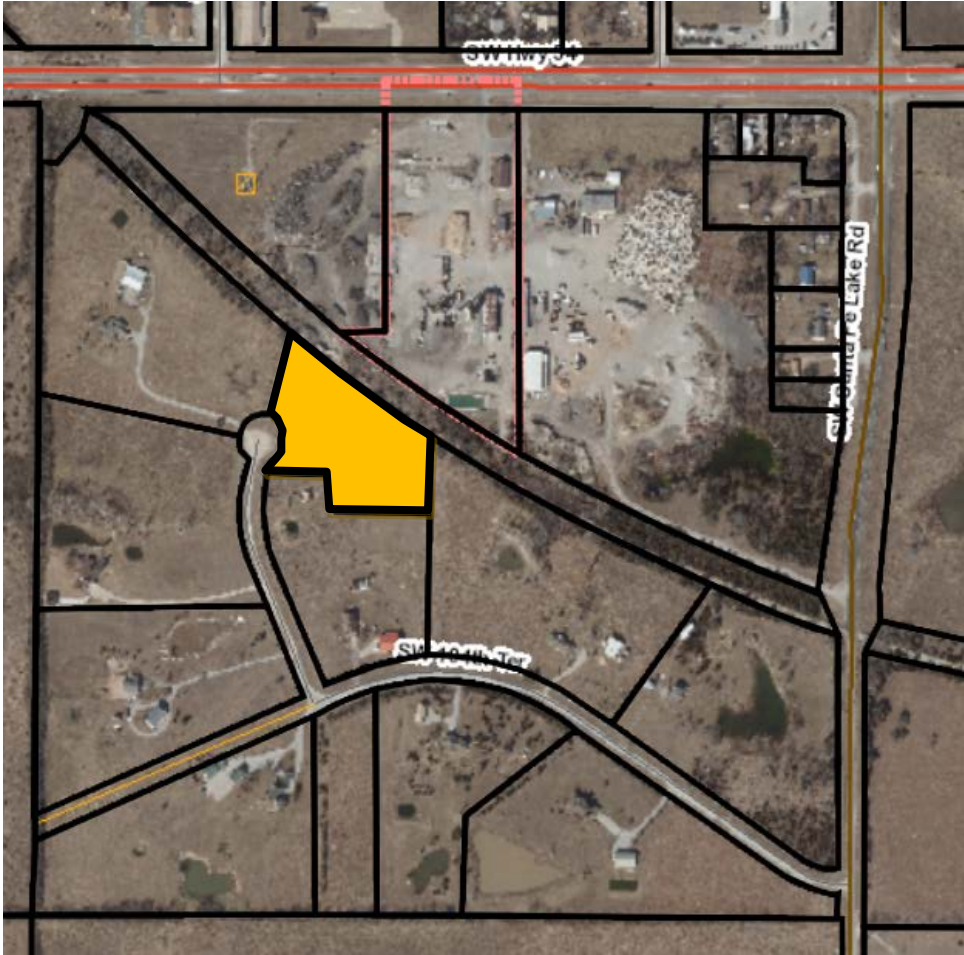
700: Authorization for Approval of Lot Splits. The Planning Commission hereby delegates to the Subdivision Administrator the authorization to approve or disapprove lot splits in accordance with this Chapter. If necessary, appeals from the decision of the Subdivision Administrator may be made to the Planning Commission for final determination.

After reviewing Section 702 of the Subdivision Regulations, the proposed lot split met the requirements for approval.

ANALYSIS:

With the lot split approved administratively, the remaining item of business is to rezone the newly created tract of land (Tract A) in accordance with its acreage. In the pre-split state, the property (Lot 4, Block B) contained 9.7 acres and was zoned R-6B (5 – 9.99 Acres). In the post-split state, Tract A located at 10202 SW Pampas Road contains 4.0 acres and must be rezoned to R-6A (1 – 4.99 Acres). Tract B, the original property located at 11296 SW 104th Terrace, contains 5.7 acres and will be able to retain its current zoning district classification of R-6B (5 – 9.99 Acres). Please refer to the attached

Golden Factors for additional consideration. If recommended for approval, the zoning district reclassification will be presented to the Augusta City Council on Monday, March 18, 2019 for final approval.



Zoning Administrator Approval Date: 2-20-2019
Attachments (list in packet assembly order):

1. Golden Factors
2. Survey for Lot Split (Reference Only)
3. Letter from George and Mitzi Pankratz
4. Application for Zoning District Reclassification



The Golden Factors

Meeting Date: 2/25/2019

Applicant Name: Jerramy Pankratz Property Address: 10202 SW Pampas Road

Current Zoning Classification: R6B - Rural Residential (5 to 9.99 Acres)

Proposed Zoning Classification: R6A - Rural Residential (1 to 4.99 Acres)

In 1978, the Supreme Court of Kansas handed down a decision in *Golden v. City of Overland Park* that established the basis for considering and reaching a decision on zoning changes and Conditional Use Permits. 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.

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 Conditional Use Permit, was reasonable. It is not necessary that findings on all of the factors be favorable to approve or be unfavorable to deny the zoning change or Conditional 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:

The character of the neighborhood is rural residential and is located in the Prairie Meadows subdivision.

2. The zoning and uses of property nearby:

The zoning of property nearby is varying categories of R-6 Rural Residential to support the Prairie Meadows rural residential subdivision. Property north of the abandoned railroad right-of-way is zoned I – Industrial.

3. The suitability of the subject property for the uses to which it has been restricted under its existing zoning:

The site is suitable for rural residential development. The zoning district reclassification is required due to the acreage of Tract A.

4. Extent to which removal of the restrictions will detrimentally affect nearby property:

The zoning district reclassification will not remove any land use restrictions from the property. The zoning district reclassification is required due to the acreage of Tract A created from a lot split.



The Golden Factors

5. Length of time the subject property has remained vacant as zoned:

A lot split was approved administratively on August 30, 2018.

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:

Tract A provides the acreage to construct a new single-family residential development. There is no hardship on other individual landowners expected as a result of the lot split or zoning district reclassification.

7. Recommendation of professional staff:

Professional staff recommends approval of the zoning district reclassification from R-6B Rural Residential (5 – 9.99 acres) to R-6A Rural Residential (1 – 4.99 acres).

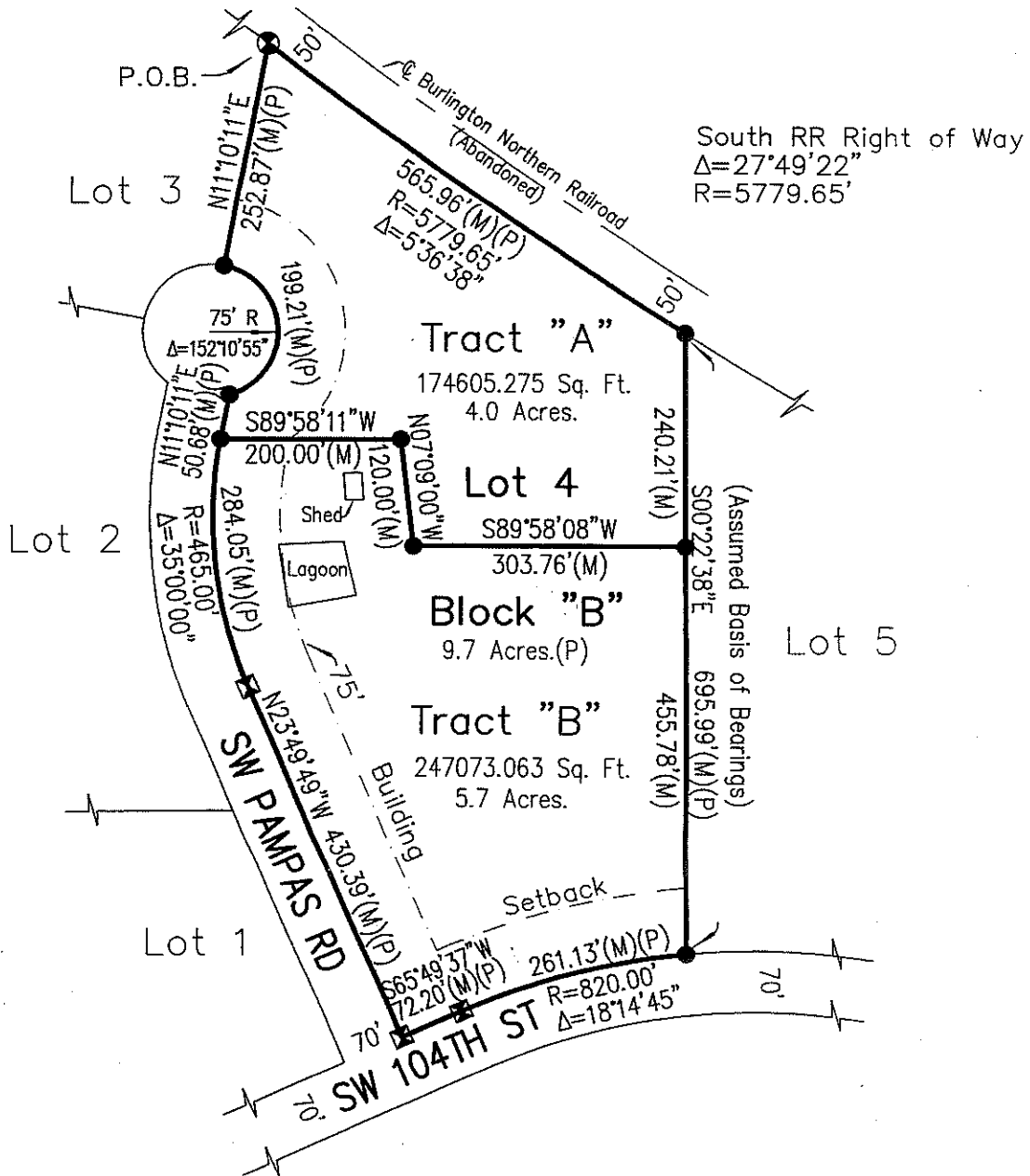
8. Conformance with the Comprehensive Plan:

The Comprehensive Plan is supportive of the zoning district reclassification.

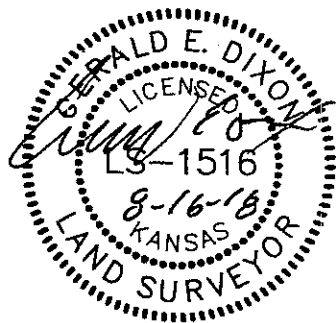
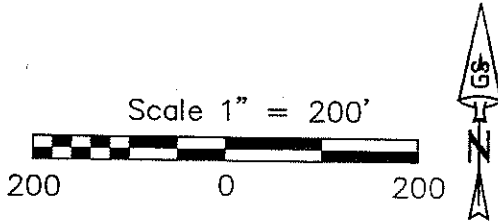
GOEDECKE SURVEYING, LLC

205 S MAIN PO BOX 68 EL DORADO KS 67042
 PHONE 316-321-3773 FAX 316-321-4199

CERTIFICATE OF SURVEY FOR MITZI PANKRATZ
 LOT SPLIT, LOT 4, BLOCK B, PRAIRIE MEADOW
 11296 SW 104TH TER AUGUSTA, KS



- Legend**
- Set 5/8" x 24" Rebar & CLS 251 Cap
 - ⊗ Found 5/8" Bar W/Yellow CLS 28 Cap
 - ⊠ Found 5/8" Bar (Goedecke Engineering)
 - (M) Measured
 - (P) Platted



GOEDECKE SURVEYING, LLC

205 S MAIN PO BOX 68 EL DORADO KS 67042

PHONE 316-321-3773 FAX 316-321-4199

CERTIFICATE OF SURVEY FOR MITZI PANKRATZ
LOT SPLIT, LOT 4, BLOCK B, PRAIRIE MEADOW
11296 SW 104TH TER AUGUSTA, KS

CERTIFICATE OF SURVEY

I Gerald E. Dixon, a Professional Land Surveyor in the State of Kansas, do hereby certify that this is a true and correct Plat of Survey and Legal Description made by me on August 15, 2018, and is described as follows: That part of Lot 4, Block B, Prairie Meadow, Butler County, Kansas; more particularly described as

Tract "A"

A 4.0 acre Tract; Beginning at the Northwest corner of said Lot 4, Block B, Prairie Meadow; thence Southeasterly along the North line of said Lot 4, being the South line of abandoned Burlington Northern Railroad Right of Way, having a radius of 5,779.65 feet, a central angle 5°36'38", a length of 565.96 feet to the Northeast corner of said Lot 4; thence S00°22'38"E, (Assumed Basis of Bearings) along said East line a distance of 240.21 feet; thence S89°58'08"W, 303.76 feet; thence N07°09'00"W, 120.00 feet; thence S89°58'11"W, 200.00 feet to the West line of said Lot 4; thence N11°10'11"E, along said West line a distance of 50.68 feet; thence Northerly along a curve having a radius of 75 feet, a central angle 152°10'55", a length of 199.21 feet; thence N11°10'11"E, 252.87 feet to the Point of Beginning,

Tract "B"

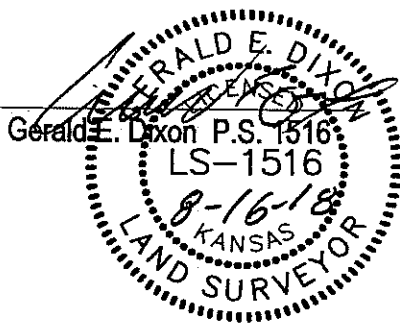
All of Lot 4, Block B, Prairie Meadow, Butler County, Kansas. Contains 9.7 acres.

EXCEPT:

A 4.0 acre Tract; Beginning at the Northwest corner of said Lot 4, Block B, Prairie Meadow; thence Southeasterly along the North line of said Lot 4, being the South line of abandoned Burlington Northern Railroad Right of Way, having a radius of 5,779.65 feet, a central angle 5°36'38", a length of 565.96 feet to the Northeast corner of said Lot 4; thence S00°22'38"E, (Assumed Basis of Bearings) along said East line a distance of 240.21 feet; thence S89°58'08"W, 303.76 feet; thence N07°09'00"W, 120.00 feet; thence S89°58'11"W, 200.00 feet to the West line of said Lot 4; thence N11°10'11"E, along said West line a distance of 50.68 feet; thence Northerly along a curve having a radius of 75 feet, a central angle 152°10'55", a length of 199.21 feet; thence N11°10'11"E, 252.87 feet to the Point of Beginning.

Tract "B" contains 5.7 acres.

August 16, 2018



CERTIFICATION

Reviewed in accordance with K.S.A. 58-2005 on this _____ day of _____, 2018

Michael A. Work, Butler County Surveyor R.L.S. 1160

1/20/2019

We give Jerry and Erin Pankratz at
11296 SW ~~104th~~ Terrace, Aurora, Mo.
permission to have our lot at 10202 SW
Pampas Rd. re signed.

George I. Pankratz
Mitzi E. Pankratz

George I. Pankratz
Mitzi E. Pankratz



APPLICATION FOR A ZONING CASE

Augusta City Hall
 113 East 6th Avenue
 P.O. Box 489
 Augusta, Kansas 67010

(316) 775-4505
 (316) 775-4566
www.augustaks.org
ssmith@augustagov.org

FOR PROPERTY LOCATED WITHIN THE JURISDICTION OF THE CITY OF AUGUSTA, KANSAS

This application must be completed in its entirety and submitted to Susan Smith, Administrative Assistant in the Community Development Office. **INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.**

- SELECT ONE** City Limits Growth Area
SELECT ONE Conditional Use Permit Zoning District Reclassification Appeal

APPLICANT INFORMATION:		JERRAMY PANKRATZ			
Address:	11296 SW 104TH TERRACE				
City:	AUGUSTA	State:	KS	Zip:	67010
Phone:	316-258-1241	E-Mail:	J.PANKRATZ.RAPTORS@GMAIL.COM		

NAME OF ENGINEER/SURVEYOR:		GERALD DIXON, GOEDECKE SURVEYING			
Address:	205 S. MAIN PO Box 68				
City:	EL DORADO	State:	KS	Zip:	67042
Phone:	316-321-3773	E-Mail:	GERALD@GOEDECKESURVEYING.COM		

PROPERTY INFORMATION:							
Address:	11296 SW 104TH TERRACE	City:	AUGUSTA	State:	KS	Zip:	67010
Lot(s):	4	Block:	B	Subdivision:	PRARIE MEADOW		
Existing Zoning:	RESIDENTIAL 6B			Proposed Zoning:	RESIDENTIAL 6A ± 6B		

DESCRIPTION OF REQUEST:
CURRENTLY A SINGLE LOT ZONED RURAL RESIDENTIAL 6B SPLIT INTO TWO LOTS. ONE WILL REMAIN 6B AND THE SECOND LOT WOULD BE 6A. BOTH RURAL RESIDENTIAL.

The applicant herein agrees to comply with the Zoning/Subdivision Regulations and the Building/Trade Codes of the City of Augusta, and all pertinent local, state and federal laws, rules and regulations. The applicant agrees that all costs associated with this request, including professional services and recording the documents thereto with the Butler County Register of Deeds, shall be assumed and paid by the owner. The undersigned further states that he/she is the owner of the property subject to the requested zoning action.



Applicant Signature & Date

12/17/18

OR

Agent Signature & Date

This application packet was received by the Community Development Department on _____.

The packet has been checked and verified complete and accompanied by the required fee of \$_____.

Zoning Administrator or Designee

Date



**CITY OF AUGUSTA
PLANNING COMMISSION
AGENDA REPORT**

Meeting Date: February 25, 2019
Department: Community Development
Submitted By: Cody Sims, Assistant City Manager
Prepared By: Cody Sims, Assistant City Manager
Agenda Title: **Z2019-03: Conditional Use Permit for 1618 North Ohio Street**

RECOMMENDED ACTION:


Approval of a Conditional Use Permit requested by Global Parts, Inc. to use the property located at 1618 North Ohio Street for warehousing and storage of aircraft parts and components and light assembly/light manufacturing in accordance with the proposed conditions and restrictions.

BACKGROUND:

Troy Palmer purchased the old Wal-Mart building at the end of December 2018 in order to expand his business operations. Because of the land use restrictions outlined in the zoning regulations, a Conditional Use Permit is required before company operations can begin. This request is similar to the Conditional Use Permit that was requested by Global Parts to occupy the vacant IGA building located at 303 West 7th Avenue. That CUP was approved by the Planning Commission on October 8, 2018.

ANALYSIS:

The property is zoned C - Commercial. After reviewing the zoning regulations, it was determined warehousing and light assembly/light manufacturing is not an explicitly allowed use. Pursuant to Section 703, all uses not permitted by Section 701 shall require a Conditional Use Permit. In consideration for the approval of the Conditional Use Permit, staff proposes the following conditions and restrictions:

-  1. **PERMITTED USE.** The use permitted for this Conditional Use Permit shall be limited to warehousing and storage of aviation parts and components and light assembly/light manufacturing in support of operations for Global Parts.
- 2. **OUTDOOR STORAGE.** Outdoor storage shall be prohibited with this Conditional Use Permit.

3. TRASH AND DEBRIS. Trash and/or debris generated as a result of the warehouse and storage operations and/or light assembly/light manufacturing inside the existing building may not be allowed to accumulate and must be placed in appropriate receptacles designed for refuse and/or recycling materials as provided by the City of Augusta Public Works Department – Solid Waste Division.
4. DRAINAGE. The effect of runoff from the tract of land must be mitigated.
5. SIGNAGE. Any new signage shall comply with the City of Augusta, Kansas Sign Regulations. The existing dilapidated pole sign located along Ohio Street shall be removed at the expense of the owner prior to the commencement of this Conditional Use Permit.
6. PERMITS. No construction or other activities shall commence on any portion of the tract of land without the proper permits from the City or other appropriate governmental unit.
7. FIRE PROTECTION. Fire protection required for the warehousing of aircraft parts and components and light assembly/light manufacturing shall be in accordance with all applicable laws and codes of the City of Augusta and the state of Kansas. At no time shall the uses inside the building endanger the public or surrounding land uses.
8. SUNSET. This permit shall be in full force and effect throughout the duration of Global Part's permitted use within the existing building, provided the site remains in compliance with these conditions and restrictions, as well as all applicable local, state, and federal laws, rules, and regulations. If, at any time, Global Parts terminates the permitted uses on the property, as permitted with this Conditional Use Permit, no additional use shall take over the property, unless in explicit compliance with the adopted zoning regulations for the City of Augusta, Kansas.
9. REVOCATION & EXPIRATION. This Conditional Use Permit shall qualify for expiration and/or revocation as follows:
 - a. The Conditional Use Permit shall be come null and void within 180 days of the date of approval if not exercised. The Conditional Use Permit shall be considered exercised when the use has been established or when a building permit has been issued and substantial construction accomplished.

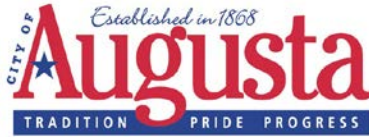
- b. If the building permit or use is abandoned or discontinued for a period of 180 days, it may not be re-established unless authorized by the Board upon appeal.
- c. A Conditional Use Permit may be revoked if the applicant fails to comply with the imposed conditions, restrictions and safeguards imposed herein.

Please note, condition number five pertains to signage for the property. Currently, there is a dilapidated pole sign on site from the previous use as a Wal-Mart. Staff recommends the pole sign be removed at the owner's expense to improve the aesthetics of the area since that particular sign structure is unique to the vacated use. The height and size of the existing sign structure was intended primarily to attract customers for retail business operations. If the property is going to be used for warehousing and storage of aircraft parts and components and light assembly/light manufacturing, customer attraction is not an objective of business operations.

Determination of the Conditional Use Permit is final with the Planning Commission.

Zoning Administrator Approval Date: 2-20-2019
Attachments (*list in packet assembly order*):

1. *Golden Factors*



The Golden Factors

Meeting Date: 2/25/2019

Applicant Name: Global Parts Property Address: 1618 North Ohio Street

Current Zoning Classification: C - Commercial

Proposed Zoning Classification: C - Commercial

In 1978, the Supreme Court of Kansas handed down a decision in *Golden v. City of Overland Park* that established the basis for considering and reaching a decision on zoning changes and Conditional Use Permits. 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.

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 Conditional Use Permit, was reasonable. It is not necessary that findings on all of the factors be favorable to approve or be unfavorable to deny the zoning change or Conditional 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:

The character of the neighborhood is largely residential to the west of the subject property with pockets of higher density residential and commercial surrounding the property.

2. The zoning and uses of property nearby:

Nearby properties are zoned varying densities of residential with commercial properties to the immediate south and west of the subject property. A private recreation area exists to the east of the property.

3. The suitability of the subject property for the uses to which it has been restricted under its existing zoning:

Models for commercial development are continually evolving; therefore, finding a tenant to occupy the structure for commercial retail will be difficult. Additionally, because of the strict land use restrictions in the Commercial district of the zoning regulations, even uses such as general retail sales will require a Conditional Use Permit.



The Golden Factors

- 4. Extent to which removal of the restrictions will detrimentally affect nearby property:**
The Conditional Use Permit is not removing any of the current zoning restrictions from the property. The CUP will make the property usable with conditions and restrictions.
- 5. Length of time the subject property has remained vacant as zoned:**
The subject property has remained vacant since Wal-Mart relocated from the site to their current location on the West 7th Avenue corridor (approximately 6-7 years).
- 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:**
Having the building occupied will help prevent the property from becoming dilapidated and hazardous to the public health, safety and welfare. Improvements to the property may also have a positive impact on the visual attractiveness of the Ohio Street corridor.
- 7. Recommendation of professional staff:**
Professional staff recommends approval of the Conditional Use Permit with the following conditions and restrictions:

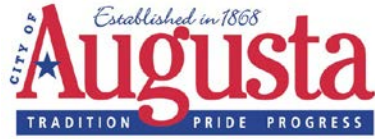
 1. **PERMITTED USE.** The use permitted for this Conditional Use Permit shall be limited to warehousing and storage of aviation parts and components and light assembly/light manufacturing in support of operations for Global Parts.
 2. **OUTDOOR STORAGE.** Outdoor storage shall be prohibited with this Conditional Use Permit.
 3. **TRASH AND DEBRIS.** Trash and/or debris generated as a result of the warehouse and storage operations and/or light assembly/light manufacturing inside the existing building may not be allowed to accumulate and must be placed in appropriate receptacles designed for refuse and/or recycling materials as provided by the City of Augusta Public Works Department – Solid Waste Division.
 4. **DRAINAGE.** The effect of runoff from the tract of land must be mitigated.
 5. **SIGNAGE.** Any new signage shall comply with the City of Augusta, Kansas Sign Regulations. The existing dilapidated pole sign located along Ohio Street shall be



The Golden Factors

removed at the expense of the owner prior to the commencement of this Conditional Use Permit.

6. **PERMITS.** No construction or other activities shall commence on any portion of the tract of land without the proper permits from the City or other appropriate governmental unit.
7. **FIRE PROTECTION.** Fire protection required for the warehousing of aircraft parts and components and light assembly/light manufacturing shall be in accordance with all applicable laws and codes of the City of Augusta and the state of Kansas. At no time shall the uses inside the building endanger the public or surrounding land uses.
8. **SUNSET.** This permit shall be in full force and effect throughout the duration of Global Part's permitted use within the existing building, provided the site remains in compliance with these conditions and restrictions, as well as all applicable local, state, and federal laws, rules, and regulations. If, at any time, Global Parts terminates the permitted uses on the property, as permitted with this Conditional Use Permit, no additional use shall take over the property, unless in explicit compliance with the adopted zoning regulations for the City of Augusta, Kansas.
9. **REVOCATION & EXPIRATION.** This Conditional Use Permit shall qualify for expiration and/or revocation as follows:
 - a. The Conditional Use Permit shall be come null and void within 180 days of the date of approval if not exercised. The Conditional Use Permit shall be considered exercised when the use has been established or when a building permit has been issued and substantial construction accomplished.
 - b. If the building permit or use is abandoned or discontinued for a period of 180 days, it may not be re-established unless authorized by the Board upon appeal.
 - c. A Conditional Use Permit may be revoked if the applicant fails to comply with the imposed conditions, restrictions and safeguards imposed herein.



The Golden Factors

8. Conformance with the Comprehensive Plan:

The site will continue to hold a commercial designation, as specified in the Comprehensive Plan.



**CITY OF AUGUSTA
PLANNING COMMISSION
AGENDA REPORT**

Meeting Date: February 25, 2019
 Department: Community Development
 Submitted By: Cody Sims, Assistant City Manager
 Prepared By: Cody Sims, Assistant City Manager
 Agenda Title: **Z2019-04: Request for a Variance to the Zoning Regulations for 445 East 15th Street**

RECOMMENDED ACTION:

Approval of a variance from the zoning regulations requested for the redevelopment of residential property located at 445 East 15th Street.

BACKGROUND:

Randy Johnson has purchased the vacant property located at 445 East 15th Street (southwest corner of 15th Street and Johnson Street). Mr. Johnson has submitted a survey to split the property in a manner that will retain the foundation of the existing residential structure that will be used for a detached garage. Because of site restrictions, we are unable to achieve a lot split that conforms to the required frontage, required minimum site size of 6,000 square feet, and the setbacks around the detached garage. As a result, a lot split has not been approved and a variance has been requested.

ANALYSIS:

The property measures 100' wide x 125' deep. We have tried to split the property ensuring a 50' frontage on both tracts in order to meet the minimum lot size of 6,000 square feet for the R-2A zone. Mr. Johnson seeks to retain the foundation from the existing house, and use it to construct a detached garage; however, the west edge of the foundation sits on the proposed property line down the middle of the existing lot. We have tried to carve out a five-foot setback around the foundation, but that resulted in a convoluted property line and a minimum lot size under 6,000 square feet. As a result, Mr. Johnson is seeking a variance from the zoning regulations that will split the property into two lots, as follows:

Lot No. 1:

- 53' wide from the existing east property line for a total lot size of 53' x 125' (6,625 square feet);

- 3' setback between the back of the proposed detached garage and the proposed property line;

Lot No. 2:

- 47' wide from center property line to west property line for a total lot size of 47' x 125' (5,875 square feet).

Under this scenario, the frontage of Lot 2 will be 3' short and the total square footage of the property will be 125 square feet below the minimum for the R-2A district. However, when the project is completed, there will be two new houses developed that will be a benefit to a distressed part of town. If the Board of Zoning Appeals approves the variance request, an updated survey will be produced and submitted to the City of Augusta for approval. Staff is supportive of this request and recommends approval because the benefits to the community are greater than the minimal impacts to the zoning regulations. Staff has reviewed the request with the City Attorney, who also agrees with the use of a variance in this instance.



Zoning Administrator Approval Date: 2-20-2019
Attachments (list in packet assembly order):

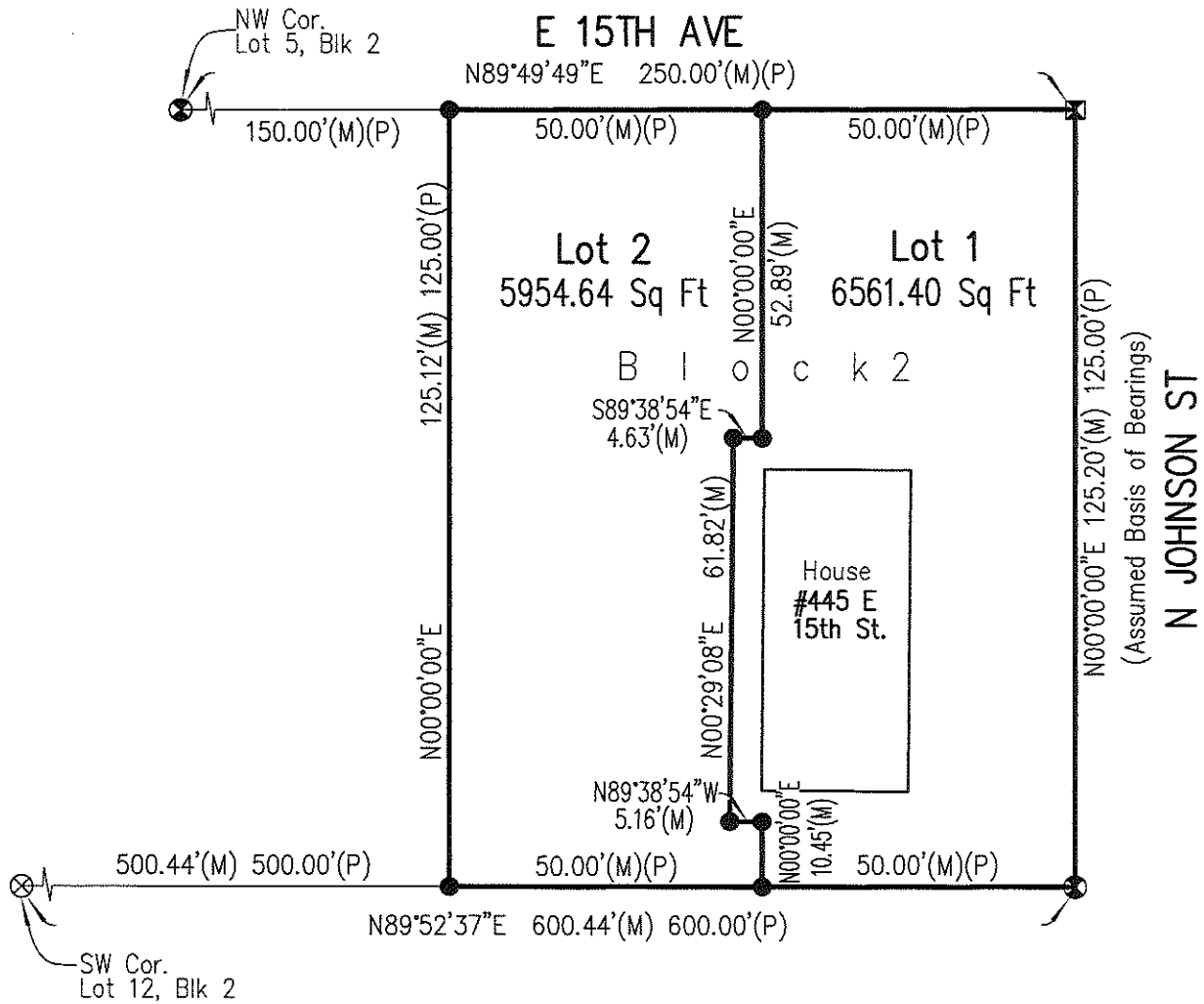
1. Existing Survey for Lot Split

GOEDECKE SURVEYING, LLC

205 S MAIN PO BOX 68 EL DORADO KS 67042

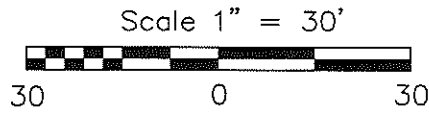
PHONE 316-321-3773 FAX 316-321-4199

CERTIFICATE OF SURVEY FOR RANDY JOHNSON



Legend

- Set 5/8" x 24" Rebar & CLS 251 Cap
- ⊠ Found Concrete Block
- ⊗ Found 5/8" Bar (Origin Unknown)
- ⊗ Found Plus Cut (Goedecke Surveying)
- (M) Measured (P) Platted



CERTIFICATE OF SURVEY

I Gerald E. Dixon, a Professional Land Surveyor in the State of Kansas, do hereby certify that this is a true and correct Plat of Survey made by me on January 02, 2019, and is described as follows:

January 18, 2019



CERTIFICATION

Reviewed in accordance with K.S.A. 58-2005 on this _____ day of _____, 2019

R.L.S. 1160

Michael A. Work, Butler County Surveyor



CITY OF AUGUSTA PLANNING COMMISSION REPORT

Meeting Date: February 25, 2019
 Department: Community Development
 Submitted By: Cody Sims, Assistant City Manager
 Prepared By: Josh Shaw, City Manager
 Agenda Title: **Z2019-05: Amendment to City of Augusta Zoning Regulations**

RECOMMENDED ACTION:

- A. Z2019-05 - Conduct a public hearing to take public input on the proposed Zoning Ordinance No. 21XX amending the outdoor parking regulations for recreational vehicles.
- B. Approved the proposed zoning ordinance No. 21XX provide a recommendation to the City Council to formally adopt the amended ordinance.

BACKGROUND:

Late in 2018, the City received an inquiry from Angie Johnston and Nick Hoefgen of Family 1st Living regarding future plans for the Augusta Mobile Home Park located at 1201 Money. The park is blighted in many locations and presents a number of ongoing challenges to the city and community from a code enforcement perspective. Family 1st Living operates several successful mobile home/manufactured home parks in Augusta and Butler County and has recently assumed management responsibilities over the Augusta Mobile Home Park. They intend to bring the park up to the aesthetic and quality standards they have established at their other operations.

To help cash flow various improvements they have planned for the facilities, infrastructure, and environment in the park, Family 1st Living inquired with the city about allowing recreational vehicles to occupy the park for lodging purposes. The park has been outfitted with RV hookups and past management has allowed such activities for years, but city staff was unable to find any official planning and zoning actions (i.e. rezoning ordinances, conditional use permits, variances etc.) taken in the past to formally permit recreational vehicle uses. Therefore, staff believes that RV uses under the existing laws are non-conforming and in violation of the zoning regulations.

The park is currently zoned as a manufactured housing district (R-4). Under the current zoning regulations, RVs are not an approved use in the R4 zoning district and are only permitted in the

Public/Private Recreation (PR) District. Furthermore, the city council adopted parking regulations (Ordinance No. 1977) in the past decade that established short timeframes of 30 days or less that RVs can be used for temporary lodging; this time limit applies to all zoning districts because the ordinance was incorporated in the general provisions section of the zoning regulations. If recreational vehicle uses are to be allowed or even considered going forward, therefore, these language conflicts in the zoning regulations must be resolved.

Family 1st Living approached the Augusta City Council with a request to determine their comfort with allowing recreational vehicles within the park if it meant that the parcel was finally cleaned up and improved. The City Council conducted a work session on January 14th, 2019 where this issue was discussed in detail with staff, Family 1st Living, and Gary Rawlings who owns a nearby manufactured home park that has allowed RVs for decades. The City Council directed staff to draft the necessary language adjustments to the zoning regulations that would allow Family 1st Living's request to be formally considered by the planning commission through our standard conditional use and/or rezoning procedure at a future date.

Attached for your review and consideration is proposed Ordinance No. 21XX, which amends the city's parking regulations and lodging requirements to allow longer term lodging in recreational vehicles if permitted elsewhere in the zoning regulations or by other lawful zoning action taken by the Planning Commission (i.e. conditional use permit).

ANALYSIS:

To be clear, the proposed ordinance does not directly address the request for recreational vehicle uses submitted by Family 1st Living. However, it removes an obstacle and lays the groundwork for future consideration of such a request by adjusting provisions in the parking regulations that prohibit long term lodging in RVs regardless of zoning district. Section 1201.6.1 of the current zoning regulations states:

Major recreational equipment shall not be utilized for living purposes, except for the convenience of temporary lodging and when stored as personal property of the occupant. Temporary lodging shall be limited to 30 days in a calendar year.

As directed by the City Council, staff recommends a simple amendment that will allow the planning commission to entertain future requests regarding RVs (most likely in the form of a conditional use permit). The proposed amendment reads as shown below (changes highlighted in **bold**):

Unless otherwise permitted by the zoning regulations, major recreational equipment shall not be utilized for living purposes, except for the convenience of temporary lodging and when stored as personal property of the occupant. **Unless otherwise permitted by the zoning regulations,** temporary lodging shall be limited to 30 days in a calendar year.

Since language contained in the zoning regulations contemplate, and frankly, encourage the use of conditional use permits to promote flexibility, adding this “unless otherwise permitted...” language removes the barrier to considering Family 1st Living’s request without completely undermining the limitations deemed appropriate for recreational vehicles for most zoning districts.

Department Head Approval Date: 02-21-2019

City Manager Approval Date: 02-21-2019

Attachments (*list in packet assembly order*):

1. Ordinance No. 1977
2. Proposed Ordinance No. 21XX

(Summary Published in the Butler County Times-Gazette
on the ____ day of _____, 2019.)

THE CITY OF AUGUSTA, KANSAS

ORDINANCE NO. 21XX

AN ORDINANCE AMENDING THE ZONING REGULATIONS
OF THE CITY OF AUGUSTA, KANSAS, 2000, BY
AMENDING CHAPTER 12, SECTION 1201 BY AMENDING
SECTION 1201.6 AND REPEALING ANY PROVISIONS OF
SUCH ZONING REGULATIONS OR OTHER ORDINANCES
OF SAID CITY IN CONFLICT WITH AMENDED SECTIONS

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF
AUGUSTA, KANSAS:

Section 1. Amending Chapter XII, Section 1201.6.1 to read as follows:

Section 1201.6 Outdoor Parking and/or Storage of Recreational Vehicles and Trailers.
The outdoor parking and/or storage of major recreational equipment
such as boats, camping or house trailers, motor homes, horse trailers
or utility trailers shall be regulated as follows:

- .1 Unless otherwise permitted by the zoning regulations, major recreational equipment shall not be utilized for living purposes, except for the convenience of temporary lodging and when stored as personal property of the occupant. Unless otherwise permitted by the zoning regulations, temporary lodging shall be limited to 30 days in a calendar year.
- .2 Parking and/or storage in the public right-of-way, whether in whole or in part, is prohibited.
- .3 Parking and/or storage that obstructs the view for ingress and egress of alleys, driveways, and street corner sight triangles is prohibited.
- .4 Parking and/or storage shall not impair utility and drainage easements.
- .5 Parking and/or storage between the front property line and the front building line (extending to the lot's side property lines) is allowed only on a paved hard surface such as concrete, asphalt, or at least 4 inches of packed rock or gravel. The drive area between the street and property line shall be poured concrete or asphalt. Paving on City property requires a permit.

The minimum number of off street parking spaces required in the zoning district must still be maintained.

.6 Parking and/or storage in the side yard or back yard is allowed.

Section 2. Repeal

All ordinances or parts of ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

Section 3. Effective Date

This Ordinance shall take effect and be in force from and after publication in the official city newspaper.

Passed by the City Council this ___th day of _____, 2019.

Approved by the Mayor this ___th day of _____, 2019.

MAYOR, MIKE L. RAWLINGS

SEAL

ATTEST:

CITY CLERK, ERICA JONES