



AGENDA
CITY OF AUGUSTA
PLANNING COMMISSION
July 26, 2021
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. JUNE 28, 2021 PLANNING COMMISSION MEETING MINUTES

Approval of minutes for the June 28, 2021 Planning Commission meeting.

a. Planning Commission Motion / Vote

C. BUSINESS

1. Z2021-12 ZONING AMENDMENTS JULY 2021

Consider initiation of amendments to distance requirements for regulated uses in the Downtown Commercial (C-1) zoning district; consider adding Recreational Vehicle, Camper & Trailer Repair Shop as a use by right in the General Commercial (C-3) zoning district; and consider revisions to fencing requirements.

a. Staff Report

b. Planning Commission Motion / Vote

2. Z2021-13 BYLAWS AMENDMENT

Consider initiation of amendments to the Planning Commission Bylaws.

b. Staff Report

c. Planning Commission Motion / Vote

D. MATTERS FROM / FOR COMMISSION

1. HONORING RICK BLUE’S SERVICE ON PLANNING COMMISSION

Discuss how the Planning Commission may want to honor Rick Blue’s long service on the Commission.

2. RESOLUTION NO. PC2021-05

RESOLUTION OF APPROVAL REGARDING VARIANCES TO THE MINIMUM LOT REQUIREMENTS IN THE FOLLOWING WAYS: FRONT SETBACK FROM 75 FEET TO 30 FEET, SIDE SETBACK FROM 50 FEET TO 25 FEET, MINIMUM LOT AREA FROM 1 ACRE TO .92 ACRE, AND MINIMUM LOT DEPTH FROM 300 FEET TO 200 FEET TO ALLOW FOR THE CONSTRUCTION OF NEW STRUCTURES IN THE GENERAL AREA OF RECENTLY DEMOLISHED STRUCTURES FOR THE PROPERTY AT 7154 SW 66TH TERRACE IN THE RURAL RESIDENTIAL ZONING DISTRICT (Z2021-010 TUSCHHOFF VARIANCE)

E. ADJOURN



Planning Commission Minutes

June 28, 2021

8:00am

Members Present: Connie Thurman; David Bisagno; Jim Keller; Diana Burress; Nick Hoefgen

Members Absent: David Chapel; Jake McClure

Staff Present: Anita Riley, City Planner
Susan Smith, Administrative Assistant

Visitors Present: Mary Simon; Sharan Nichols; Laura Nichols; Bessie Nichols; Michelle Tuschhoff; Ray Tuschhoff

Minutes: Thurman made a motion to approve the minutes from the April 26, 2021 meeting; Keller seconded the motion. Motion carried without opposition.

Business: 1) [Z2021-10 Tuschhoff Variance](#).

Riley provided the staff report to consider approval with conditions for a variance to the minimum lot requirements for the property at 7154 SW 66th Terrace. The condition is for the applicant to conform to all requirements from the Butler County Sanitarian.

Bisagno opened the public hearing.

Ray and Michelle Tuschhoff spoke about moving in a 28x56 modular home, and they did replace the septic tank. Mary Simon, a neighbor to the listed property spoke how she is worried about future development. She wants the country living to stay country and not turn into a 'town'.

Bisagno closed the public hearing.

Thurman made a motion to approve Z2021-10 with the one condition. Keller seconded the motion. Motion carried with no opposition.

Matters From/For Commission:

- 1) Bisagno signed Resolution 2021-09 (110 E 5th Ave CUP for Tattoo/Art Studio)
- 2) Hoefgen made a motion to approve Jake McClure to the Street Sales Tax Committee. Burress seconded the motion. Motion carried with no opposition.

Adjourn: Keller made a motion to adjourn at 8:35AM; Burress seconded the motion. Motion carried without opposition.

/s/Susan Smith, Secretary



**CITY OF AUGUSTA
PLANNING COMMISSION
AGENDA REPORT**

Meeting Date: July 26, 2021
 Department: Community Development
 Submitted By: Anita Riley, City Planner
 Prepared By: Anita Riley, City Planner
 Agenda Title: **Docket# Z2021-12 Zoning Amendments July 2021**

RECOMMENDED ACTION:

Initiate amendments to distance requirements for regulated uses in the Downtown Commercial (C-1) zoning district; consider adding Recreational Vehicle, Camper & Trailer Repair Shop as a use by right in the General Commercial (C-3) zoning district; and consider revisions to fencing requirements.

BACKGROUND:

The Augusta City Council has made a request to amend the distance requirements for regulated uses in the Downtown Commercial (C-1) zoning district. The request was made after a proposed tattoo studio had to find an alternate location because the first location was within 250 feet of a religious meeting place in the Downtown Commercial (C-1) zoning district.

Additionally, two possible minor amendments have been identified for Planning Commission consideration. Staff recommends that the Planning Commission consider whether allowing Recreational Vehicle, Camper & Trailer Repair Shop as a use by right in the General Commercial (C-3) zoning district is an appropriate change after a recent rezoning application was required to allow this use on N Walnut Street. Also, the General Provisions for Accessory Structures in Article 5 allow open fences, such as a chain link, to be constructed up to six feet in height in any yard for any use, including the front yard for residential use. Staff recommends that the Planning Commission consider whether the fencing requirements are appropriate or have unintended consequences.

Zoning Administrator Approval Date:

City Planner Approval Date: July 20, 2021

Attachments *(list in packet assembly order):*

1. *Z2021-12 Zoning Amendments July 2021 – Sections Under Consideration for Amendment*

**Z2021-12 Zoning Amendments July 2021
Sections Under Consideration for Amendment**

10.04. Adult Retail Store

In order to mitigate negative secondary effects of sexually oriented businesses, the following provisions shall apply.

- A. Shall be located within a freestanding building intended for single-tenant occupancy.
- B. No merchandise shall be viewable from outside the structure or off-premise.
- C. Shall not be located within one thousand (1,000) feet, as measured between the closest points on any property line, of religious meeting places; elementary or secondary schools; day care centers or institutional day cares; public parks or libraries; residential land uses or zoning districts (R-R, R-1, R-2, or R-3); bars, taverns, night clubs, or liquor stores; other sexually oriented businesses as defined per [K.S.A. 12-770](#).
- D. Only permanent on-premise signs shall be allowed; signs shall be structurally classified as Fixed; Building as defined in [Article 08](#).
- E. Shall be buffered along all property lines with a screening fence/wall at least six (6) feet in height, meeting the requirements of [Section 09.04](#), with breaks allowed only for driveways and sight triangles.

10.05. Arena or Stadium

- A. Shall not be allowed within one-thousand (1,000) feet of any existing or approved residential lot zoned R-R, R-1, R-2, R-3, or R-4 as measured between the closest points on any property line.
- B. May be allowed as a secondary use within a school or educational campus developed in conjunction with a PDO zoning district. In such cases, conditional use approval shall not be required.
- C. Sites shall meet the hard surface paving requirements of [Article 07](#).
- D. When illuminated with flood lights, such shall be aimed down and inward toward the sports field(s) and shall be equipped with shut off controls that turn lights off during non-operational times.

10.06. Automotive Maintenance Shop; Automotive Repair Shop; Vehicle Maintenance or Repair Garage

- A. Outdoor storage shall not be allowed. This includes inoperable vehicles and vehicle fluid containers that are not stored within a garbage dumpster or liquid waste enclosure.
- B. Maintenance and repair activities shall only be conducted indoors, except within I-1 zoning districts.
- C. Service bays shall not face local or collector street frontages.

10.07. Automotive or Equipment Sales, Rental or Leasing (all listed uses); Manufactured Home Dealers

- A. All such areas having outdoor storage or display related to one of these uses shall be located on a lot of at least one (1) acre in area having arterial street frontage.
- B. Primary ingress/egress shall be provided to the adjacent arterial street. No more than two (2) secondary driveways may access a local or collector street.
- C. All off-street parking, and outdoor vehicle/equipment storage or display areas shall be subject to hard surface pavement requirements of [Article 07](#), except that sales/storage of the following shall be exempt, subject to other applicable paving requirements: manufactured homes; construction and heavy equipment; tractor and farm implements; truck, trailer and recreational vehicles.

10.08. Bar or Tavern; Brewpub

- A. Shall not be located within two-hundred and fifty (250) feet, as measured between the closest points on any property line, of religious meeting places; elementary or secondary schools; day care centers or institutional day cares; residential land uses or zoning districts (R-R, R-1, R-2, R-3, or R-4).
- B. Outdoor seating areas shall be allowed as an accessory use when located in C-2 or C-3 zoning, and as a conditional use when located in M-1 or C-1 zoning, subject to the following:
 - 1. Shall be required as a separate conditional use in M-1 or C-1 zoning, in cases where the original

square feet total between no more than three (3) structures.

4. Lots over five (5) acres in area: Six-thousand (6,000) square feet total with no limit on number of structures.
- E. Shipping containers, semi-trailers, rail cars, non-operational trucks, or any similar portable units/vehicles, shall not be utilized as storage sheds on lots with a residential primary use, except as approved on a temporary basis while moving, remodeling, or similar event when items cannot occupy the principal structure.

10.40. Tattoo or Body Piercing Studio

- A. No body art activities (tattooing, body piercings, etc.) shall be viewable from waiting/reception areas or outside the primary structure.
- B. Shall not be located within two-hundred and fifty (250) feet, as measured between the closest points on any property line, of religious meeting places; elementary or secondary schools; day care centers or institutional day cares; public parks or libraries; bars, taverns, or night clubs.
- C. These standards shall not apply to establishments that offer only facial tattooing or piercing.

10.41. Truck Stop

- A. Shall be allowed only in conjunction with an approved PDO zoning district.
- B. Shall be located on a lot of at least five (5) acres in area, which has a minimum of three-hundred (300) feet provided in both depth and width.
- C. Shall not be located within one-thousand (1,000) feet, as measured between the closest points on any property line, of a lot zoned R-R, R-1, R-2, R-3, or R-4.
- D. Exterior lighting shall be "fully shielded" or "full cutoff" light fixtures.
- E. Sites shall meet the hard surface paving requirements of [Article 07](#), with the exception the required supplemental truck parking area, which may be surfaced in accordance with [Section 07.06.D.2](#).
- F. Storage tanks shall be underground and meet applicable state and federal regulations. In addition:
 1. One (1) dedicated loading bay shall be provided on-premise adjacent to filling valve equipment in each storage tank area, subject to [Article 07](#) design standards.
 2. Fuel loading areas shall have pull-through truck access requiring no back-up maneuvers, and shall be arranged such that delivery vehicles do not extend into drive aisles or rights-of-way.
- G. All on-premise areas intended only for passenger vehicle traffic shall meet applicable off-street parking design standards of [Article 07](#) and other applicable provisions of this article.
- H. Minimum off-street parking design standards of [Article 07](#) shall be adjusted within all areas intended for heavy truck traffic as follows:
 1. Truck fuel pump islands shall be setback a minimum of fifty (50) feet along all street frontages in zoning districts with lesser yard requirements. In addition, the following standards shall apply:
 - a. Minimum spacing between truck fuel pump islands, measured between the closest points at finished grade, shall be:
 - i. Thirty-two (32) feet between uncovered pump islands.
 - ii. Thirty-four (34) feet between pump islands under a shared canopy.
 - iii. Thirty-six (36) feet between pump islands under separate canopies.
 - b. Bollard protection shall be provided at the end of each island. Minimum bollard height is six (6) feet above grade. One or more bollards and a minimum width equal to that of the fuel pumps. Bollards shall not be required where canopy support columns offer the same degree of protection.
 2. Truck fuel pump islands are not required to be located under a canopy; however, where provided, canopies shall be designed to the following standards:

Defined Primary Uses	Page # of Def.	Zoning District											Specific Use Standards Page #
		A-1	R-R	R-1	R-2	R-3	R-4	M-1	C-1	C-2	C-3	I-1	
Commercial Service Land Uses													
Automotive & Equipment Services													
Automotive Maintenance Shop	p. 25	--	--	--	--	--	--	--	C	A	A	A	p. 92
Automotive Repair Shop		--	--	--	--	--	--	--	C	--	A	A	p. 92
Car Wash		--	--	--	--	--	--	--	--	A	A	A	p. 93
Commercial or Industrial Equipment Repair Shop		--	--	--	--	--	--	--	--	--	C	A	X
Construction & Heavy Equipment Repair Shop		--	--	--	--	--	--	--	--	--	--	A	X
Garden Equipment & Small Engine Repair Shop		--	--	--	--	--	--	C	C	C	A	A	X
Recreational Vehicle, Camper & Trailer Repair Shop		--	--	--	--	--	--	--	--	--	--	A	X
Semi-Truck/Trailer Wash		--	--	--	--	--	--	--	--	--	--	A	X
Tractor & Farm Implement Repair Shop		--	--	--	--	--	--	--	--	--	--	A	X
Business Support Services													
Business Service Center	p. 25	--	--	--	--	--	--	A	A	A	A	--	X
Call Center or Telemarketing Agency		--	--	--	--	--	--	--	--	C	A	--	X
Credit Bureau or Collection Agency		--	--	--	--	--	--	--	--	C	A	--	X
Data Processing Center		--	--	--	--	--	--	--	--	A	A	--	X
Office Equipment Repair & Maintenance		--	--	--	--	--	--	--	A	A	A	A	X
Personal Care Services													
Barber Shop or Beauty Salon	p. 26	--	--	--	--	--	--	A	A	A	A	--	X
Day Spa		--	--	--	--	--	--	A	A	A	A	--	X
Massage Therapy		--	--	--	--	--	--	A	A	A	A	--	X
Nail Salons		--	--	--	--	--	--	A	A	A	A	--	X
Tanning Salons		--	--	--	--	--	--	A	A	A	A	--	X
Personal & Household Services													
Coin-Operated Laundry	p. 26	--	--	--	--	--	--	A	--	A	A	--	X
Dry Cleaning or Laundry Service		--	--	--	--	--	--	A	C	A	A	--	X
Household Items or Furnishings Repair & Maintenance		--	--	--	--	--	--	A	C	A	A	--	X
Locksmith Shop		--	--	--	--	--	--	A	C	A	A	--	X
Personal Goods Repair & Maintenance		--	--	--	--	--	--	A	A	A	A	--	X
Picture Framing Shop		--	--	--	--	--	--	A	A	A	A	--	X
Tailor or Dressmaker		--	--	--	--	--	--	A	A	A	A	--	X
Video Rental		--	--	--	--	--	--	C	--	A	A	--	X
Transient Lodging													
Bed & Breakfast Inn	p. 26	C	C	C	--	A	--	A	A	A	A	--	X
Campground or Recreational Vehicle Park		C	--	--	--	--	C	--	--	--	--	--	X
Extended Stay Hotel		--	--	--	--	--	--	--	C	A	A	--	X
Group Shelter		--	--	--	--	--	--	--	--	C	A	--	X
Hotel or Motel		--	--	--	--	--	--	C	C	A	A	--	X
Misc. Commercial Services													
Auction House	p. 27	--	--	--	--	--	--	--	--	--	A	A	X
Bail Bond Service		--	--	--	--	--	--	--	--	A	A	A	X
Banking Service		--	--	--	--	--	--	A	A	A	A	--	X
Boarding Kennel		A	--	--	--	--	--	--	--	--	A	A	p. 93
Day Care Center		--	--	--	--	--	--	C	C	A	A	--	X
Event Center		--	--	--	--	--	--	C	C	A	A	--	X
Funeral Home or Mortuary		--	--	--	--	--	--	--	--	A	A	--	X
Non-Banking Financial Service		--	--	--	--	--	--	--	--	A	A	--	X
Pet Grooming Service		--	--	--	--	--	--	A	C	A	A	--	X
Taxidermy Studio		--	--	--	--	--	--	C	C	A	A	--	X
Undefined Commercial Services		Zoning Administrator written determination per Section 04.06.G.2											

05.06. Requirements for Secondary Uses & Structures

- A. A Zoning Compliance Certificate shall be required prior to establishing any secondary use or structure allowed by-right. If such use or structure is not shown on the original Site Plan of the lot on which it is proposed, a Administrative Site Plan shall also be submitted with the Zoning Compliance Certificate application.
- B. When a conditional use is required for a secondary use or structure, a Administrative Site Plan shall be submitted with the application.
- C. When a Building Permit is required for a secondary structure, Development Site Plan approval shall be required.

05.07. Accessory Uses & Structures

- A. The following are allowable accessory uses/structures, subject to the provisions below, setback requirements, and as otherwise provided in these regulations, as applicable.
 1. Above- and in-ground swimming pools, jetted spas
 2. Arbors, trellises, yard art, BBQ grills, outdoor furnishings
 3. Attached garages and carports
 4. Awnings, other attached window/entrance canopies
 5. Basketball goals, play equipment, swing sets, slides
 6. Bay windows, eaves, gutters, chimneys, window wells, wing walls
 7. Clotheslines, flagpoles
 8. Cupolas, steeples, elevator/stairway enclosures, skylights, solar panels, similar rooftop features
 9. Fences, decks, patios, porches
 10. Fire escapes, stairways, steps, wheelchair ramps for primary or secondary access
 11. HVAC components, telephone, utility service connections
 12. Play houses, storm shelters
 13. Radio antennas, satellite TV dishes, collocated small cell and wireless communication facilities
 14. Required compatibility buffers (per [Article 09](#))
 15. Off-street parking and loading (per [Article 07](#))
 16. Signs
 17. Storage shed or structure
- B. General Provisions for Accessory Structures
 1. Minimum setback requirements shall apply to all accessory uses and structures, except those listed as permitted obstructions in [Section 04.06.J](#).
 2. Accessory structures shall be setback a minimum of ten (10) feet from rear lot lines. Detached garages and carports with direct access to an alley shall require a rear setback of twenty (20) feet.
 3. No accessory structure shall be located within ten (10) feet of a principal structure or within five (5) feet of another accessory structure.
 4. Zoning district bulk regulations shall apply to all accessory structures. However, accessory structures in R-R, R-1, R-2, R-3, and R-4 districts shall not exceed a height of twenty (20) feet.
 5. No accessory structure shall be constructed on or otherwise occupy a lot that has no principal structure.
 6. No accessory structure shall be located in any easement.
- C. Off-street Parking
 1. Uncovered and unenclosed off-street parking stalls may be located in any required yard, except within the sight triangle and where not permitted as an obstruction.

2. Attached garages and carports containing off-street parking stalls shall meet the setback requirements for the zoning district in which they are located.
3. Detached garages and carports shall be subject to all minimum setback requirements.

D. Fences

1. An approved fence permit shall be required prior to the construction of any fence or wall, even those that are not required as a visual buffer, and shall be subject to applicable Building Code provisions.
2. When not required as a visual buffer, fences/walls used for decoration, privacy, security, or safety shall be allowed and regulated as follows.
 - a. Open fences (chain link, picket, wrought iron, etc. \geq 75% open space on vertical face)
 - i. Up to six (6) feet in height allowed in all yards of lots having any use.
 - ii. Over six (6) feet in height allowed only by conditional use.
 - b. Closed fences/walls (privacy, masonry, etc. $<$ 75% open space on vertical face)
 - i. Up to four (4) feet in height allowed in all yards having any use.
 - ii. Up to six (6) feet in height allowed in rear and side yards of lots with single-family residential uses.
 - iii. Over six (6) feet in height allowed only by conditional use.

E. Recreational Vehicle/Utility Trailer Parking & Storage

Recreational vehicles and other recreational equipment is regulated by City Code ([Article 14-219](#)). 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. 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.
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.



**CITY OF AUGUSTA
PLANNING COMMISSION
AGENDA REPORT**

Meeting Date: July 26, 2021
Department: Community Development
Submitted By: Anita Riley, City Planner
Prepared By: Anita Riley, City Planner
Agenda Title: **Docket# Z2021-13 Bylaws Amendment**

RECOMMENDED ACTION:

Initiate amendments to the Planning Commission Bylaws.

BACKGROUND:

The Bylaws of the Planning Commission have not been updated since at least 2000, when they were incorporated into the Zoning Regulations. Since the Bylaws were not included in the update to the Zoning Regulations in October 2020 and there have been changes to the Zoning Regulations, administrative procedures and practices of the Commission, staff recommends that the Bylaws be amended.

Zoning Administrator Approval Date:

City Planner Approval Date: July 20, 2021

Attachments (list in packet assembly order):

1. *Planning Commission Bylaws, Rules and Regulations Adopted into the 2000 Zoning Regulations*

PLANNING COMMISSION BYLAWS, RULES and REGULATIONS

Appendix - D

ARTICLE I. OFFICERS.

1. The Planning Commission shall organize annually at the first regular meeting after the appointment of new members.
2. The Commission shall elect a Chairperson and a Vice-Chairperson from among the members at the annual organizational meeting.
3. The Officers shall serve for one year.
4. The Chairperson shall preside at all meetings and public hearings of the Planning Commission; shall decide all points of order and procedure; shall certify plans and subdivision plats; shall transmit reports and recommendations of the Planning Commission to the City Council.
5. The Vice-Chairperson shall assume the duties of the Chairperson in his/her absence.

ARTICLE II. MEETINGS.

1. The Planning Commission shall establish one regular meeting date each month.
2. Special meetings of the Planning Commission for obtaining public opinion on a problem or discussion of a particular problem with interested parties may be called by the chairperson or, in his/her absence by the Vice-Chairperson.
3. All regular and special meetings, hearings and records shall be open to the public, provisions for recessed executive sessions may be made but no formal action may be taken.
4. Four members, a majority of the Commission, shall constitute a quorum for the transaction of business. If a quorum is not present at a regular or special meeting, those present may either adjourn the meeting or hold the meeting to consider such matters as are on the agenda. No action at such a meeting shall be final or official unless ratified and confirmed at a subsequent meeting at which a quorum is present, by approval of the minutes of that meeting at which a quorum was not present.
5. The order of business at all meetings shall be as follows:
 - I. Call to Order
 - II. Roll Call
 - III. Approve the minutes of the previous meeting
 - IV. Old Business
 - a. Continuance of Public Hearings
 - b. Continuance of past Reports, Meetings, Projects and Planning
 - V. New Business
 - a. Public Hearings
 - b. New Reports, Meetings, Projects and Planning
 - VI. Adjournment

6. Motions shall be restated by the Chairperson before a vote is taken. The name of the maker and supporter (second) of a motion shall be recorded.
7. An affirmative of at least three members, a majority of a required quorum, shall be necessary to authorize any official action of the Commission, unless otherwise specified by statute. Where such a vote is not possible either for or against a particular proposal, the results of such action shall be submitted to the City Council with an explanation of the failure to establish an official vote on the subject in question. All members, including the Chairperson, shall have a vote and shall vote when present except that any members shall automatically disqualify himself/herself from voting on any decision in which there might be a conflict of interest and should state the nature of that conflict for the minutes.
8. When procedural and parliamentary rules adopted by the Planning Commission do not conflict, parliamentary procedure shall be according to "ROBERTS RULES OF ORDER."

ARTICLE III AGENDA SUBJECTS.

1. Upon application by an interested party for a place upon the agenda of a Planning Commission meeting, the Planning Commission may require that all data pertaining to such subjects be presented in writing at least one week prior to the date of the Planning Commission meeting.
2. Where the volume of the Planning Commission subjects may require such action, the Chairperson of the Commission may postpone discussion of certain subjects until sufficient time is available for the members to give proper review to such subjects.
3. Agendas shall ordinarily be mailed to the members of the Planning Commission so that they may review them at least three days prior to the Planning Commission meeting.
4. Subjects which are not listed on an official Planning Commission agenda will ordinarily not be considered at a meeting, unless unusual conditions approved by the Planning Commission justify such action.

ARTICLE IV HEARINGS.

1. Before the adoption or recommendation of all or any part of the Comprehensive Plan, Subdivision Regulations, Major Street Plan or the Zoning Ordinances, the Planning Commission shall hold a public hearing on the matter.
2. The Zoning Administrator shall cause a notice of such public hearing to be published once in the official city newspaper and at least twenty (20) days shall elapse between the date of such publication and the date set for the hearing.
3. Action by the Planning Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded or postponed to a later date.
4. The Planning Commission may prepare recommendations and adopt the same by an affirmative vote of a majority of the Planning Commission or by an affirmative vote of a majority of all its members as provided by law.

ARTICLE V RECOMMENDATIONS.

1. An authorized representative of the Planning Commission shall have the right to appear before the Governing Body for the purpose of reporting recommendations of the Planning Commission.
2. Authorized representatives shall be the Chairperson or Vice-Chairperson of the Planning Commission, Zoning Administrator, or _____.

ARTICLE VI COMMITTEES.

1. The Planning Commission may establish such committees as it deems advisable and assign each committee specific duties or functions.
2. The Chairperson shall designate the members of each committee and shall name the Chairperson of each committee. The Planning Commission Chairperson shall fill vacancies on committees as they are created.

ARTICLE VII EXPENSES.

1. The Planning Commission shall review and prepare an annual budget and submit it to the City Manager.
2. The Planning Commission may accept, receive and expend funds, grants and services from Federal, State, County or Local Government agencies and private persons or organizations.
3. The Planning Commission may purchase property and materials as needed through the Zoning Administrator.
4. The Planning Commission shall deposit moneys received as gifts, donations, or grants from public or private sources for planning purposes, with the designated fiscal agent.
5. The designated fiscal agent for the Planning Commission shall be the City Clerk.

ARTICLE VIII PLANNING COMMISSION STAFF.

1. The City Council may employ such staff and/or professional consultants, as it may require, subject to approved budgetary requirements and limitations.
2. The Planning Commission staff shall consist of a Zoning Administrator and such other personnel as may be authorized by the City Council.
3. The Zoning Administrator is charged with the duty of preparation and administration of such plans as are appropriate.
4. The Zoning Administrator shall be responsible for the professional and administrative work in directing and coordinating the program of the Planning Commission. The Zoning Administrator's work shall be carried on with the widest degree of professional responsibility subject to the policy determinations of the Planning Commission and administrative policies of the municipality.
5. The Zoning Administrator shall:
 - a. Supervise and review the work of the professional, technical and non-technical employees of the Planning Commission Staff.
 - b. Advise and assist the Planning Commission in the establishment of general planning policy.
 - c. Be responsible for formulation of staff policy.

6. The Zoning Administrator shall recommend to the Planning Commission action necessary for effecting plans with respect to both public and private endeavors through such control techniques as:
 - a. Zoning and Subdivision control.
 - b. Programs for Capital Expenditures.
 - c. Long-range Comprehensive Plans for the guidance of growth.
 - d. Neighborhood plans for the guidance of area growth.
7. The Zoning Administrator shall:
 - a. Assist all individuals, agents or owners of property in filling out all forms required by the Planning Commission and City Ordinance.
 - b. Prepare reports to the Planning Commission concerning all requests for public hearings and special meetings.
 - c. Cause the publication of all Official Public Notices and notices to the property owners located within 200 feet (within the city limits) or 1,000 feet (within the growth area) of all zoning cases.
 - d. Compile the list of property owners located within the required 200/1,000 feet as provided by state statutes.
 - e. Update the Official Zoning Map(s) for the City, maintain copies of the Official Zoning Map(s), Zoning Ordinance, Subdivision Rules and Regulations and the Comprehensive Plan.
 - f. Officially present the Planning Commission's recommendations to the City Council.
 - g. Officially represent the Planning Commission and its staff at planning conferences, interdepartmental meetings of the municipal government and serve generally as a liaison between the Planning Commission and the public.
 - h. Encourage private development or investment in accord with comprehensive plans.
 - i. Cooperate with public and private agencies and with individuals for the development, acceptance and effecting plans.
 - j. Supply information for and encourage interested public agencies and citizen organizations in programs to promote public understanding and approval of planning.
 - k. Accept other responsibilities as may be directed by the Planning Commission or City Council.

ARTICLE IX RECORDS AND REPORTS.

1. The Commission shall keep a record of its resolutions, transactions, findings and determinations.
2. All records of the Planning Commission shall be available for public review.
3. The Commission shall annually review the Comprehensive Plan to determine if any portion has become obsolete and shall make a report to the City Council regarding same on or before the first day of June each year.
4. The Planning Commission shall, on or before the first Monday in July of each year, prepare and file with the City Manager a report covering the activities of the Planning Commission for the first half of the calendar year.

ARTICLE X PUBLICITY.

The Planning Commission shall encourage the public to attend its regular meetings and shall take positive action to keep its activities before the public by supplying newspapers and radio and television stations with information and by having members and staff appear before civic groups to discuss the purpose of planning and the work of the Planning Commission.

ARTICLE XI AMENDMENTS.

These rules of procedure may be amended by an affirmative vote by a majority of the Planning Commission members provided such proposed amendment has been submitted in writing to each member of the Commission at least three days prior to the meeting at which such action is to be taken.

RESOLUTION NO. PC2021-05

**RESOLUTION OF APPROVAL REGARDING VARIANCES TO THE
MINIMUM LOT REQUIREMENTS IN THE FOLLOWING WAYS: FRONT
SETBACK FROM 75 FEET TO 30 FEET, SIDE SETBACK FROM 50 FEET
TO 25 FEET, MINIMUM LOT AREA FROM 1 ACRE TO .92 ACRE, AND
MINIMUM LOT DEPTH FROM 300 FEET TO 200 FEET TO ALLOW FOR
THE CONSTRUCTION OF NEW STRUCTURES IN THE GENERAL
AREA OF RECENTLY DEMOLISHED STRUCTURES FOR THE
PROPERTY AT 7154 SW 66TH TERRACE IN THE RURAL RESIDENTIAL
ZONING DISTRICT
(Z2021-10 TUSCHHOFF VARIANCE)**

Whereas, An application was submitted by Raymond and Michele Tuschhoff to vary the minimum lot requirements for the property at 7154 WS 66th Terrace in the following ways: front setback from 75 feet to 30 feet, side setback from 50 feet to 25 feet, minimum lot area from 1 acre to .92 acre, and minimum lot depth from 300 feet to 200 feet to allow for the construction of new structures in the general area of recently demolished structures;

Whereas, On June 28, 2021, the Planning Commission, sitting as the Board of Zoning Appeals, conducted a Public Hearing to consider the application and input from interested parties;

Whereas, The City Planner provided a report and presentation related to the variances and outlined considerations associated with the property to include setback patterns of the neighborhood and previous development on the property;

Whereas, The City Planner recommended approval because the application: (1) is based on a condition that was unique to the property, (2) is based on a condition not ordinarily found in the Rural Residential zoning district, (3) is not based on a condition created by an action or actions of the property owners, (4) will not adversely affect the rights of adjacent property owners, (5) strict application of the Zoning Regulations will constitute an unnecessary hardship upon the applicants, (6) will not adversely affect the public health and safety, and (7) granting the variance will not be opposed to the general spirit and intent of the Zoning Regulations;

Whereas, The applicants and adjacent property owners were able to address the Planning Commission, and provide information to support their positions with the applicants and adjacent property owners being supportive of the request; and

Whereas, the City of Augusta's Planning Commission considered the recommendation of the City Planner.

Now Therefore be it Resolved, The Planning Commission of the City of Augusta, sitting as the Board of Zoning Appeals, Augusta approved the application for variances to the minimum lot requirements for the property at 7154 WS 66th Terrace in the following ways: front setback from 75 feet to 30 feet, side setback from 50 feet to 25 feet, minimum lot area from 1 acre to .92 acre, and minimum lot depth from 300 feet to 200 feet to allow for the construction of new structures in the general area of recently demolished structures.

Be it Further Resolved, that the condition attached to the approval of variances for 7154 SW 66th Terrace is as follows:

1. Applicants must conform to all requirements from the Butler County Sanitarian.

ADOPTED by the Planning Commission of the City of Augusta, Kansas, on June 28, 2021.

David Bisagno, Chairman

Attest:

Susan Smith, Secretary