



AGENDA
CITY OF AUGUSTA
PLANNING COMMISSION
March 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. MARCH 11, 2019 PLANNING COMMISSION MEETING MINUTES

Approval of minutes for the March 11, 2019 Planning Commission meeting.

a) Planning Commission Motion / Vote

C. BUSINESS

**1. Z2019-07: AMENDMENT TO APPROVED CONDITIONAL USE PERMIT
Z2019-03 FOR 1618 NORTH OHIO STREET**

Consider amendment of an approved Conditional Use Permit for Global Parts, Inc. and Global Parts Auto Group, Inc. to use the old Wal-Mart store located at 1618 North Ohio Street for bulk storage of aircraft and auto 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**

D. MATTERS FROM / FOR COMMISSION

1. April 8, 2019 – Conditional Use Permit to consider recreational vehicles in the Augusta Mobile Home Park.
2. April 8, 2019 – Final Master Drainage Plan for Family 1st Living Addition.

E. ADJOURN



Planning Commission Minutes

March 11, 2019

8:00am

Members Present: David Bisagno; Connie Thurman; Jake McClure; Rick Blue; Elmer Simon

Members Absent: Jim Keller; Nick Hoefgen

Staff Present: Cody Sims, Assistant City Manager

Visitors Present: Jason Meinecke

Minutes:

Blue made a motion to approve the minutes from the February 25, 2019 meeting; McClure seconded the motion. Motion carried without opposition.

Business:

Z2019-06: Zoning District Reclassification for Property Located at 1900 N Custer Lane: As a matter of introduction, Sims provided a brief overview of the zoning district reclassification and the reason the reclassification is being requested. Bisagno opened the public hearing for the zoning district reclassification from R-5: Planned Residential Subdivision to R-1 Single-Family Dwellings. No public comments were made and Bisagno closed the public hearing. Bisagno then read the Golden Factors. McClure made a motion to approve the zoning district reclassification from R-5: Planned Residential Subdivision to R-1 Single Family Dwellings for property located at 1900 North Custer Lane; Simon seconded the motion. Motion carried without opposition.

Z2019-08: Lot Split for property located at 445 E 15th: Sims provided an introduction to the Lot Split request and explained the revised survey of the property was submitted for Planning Commission approval after the variance request was approved at the February 25, 2019 Planning Commission meeting. Blue made a motion to approve the lot split for property located at 445 East 15th Street; Simon seconded the motion. Motion carried without opposition.

Adjourn:

Thurman made a motion to adjourn at 8:25am; Simon seconded the motion. Motion carried without opposition.

/s/Susan Smith, Secretary



**CITY OF AUGUSTA
PLANNING COMMISSION
AGENDA REPORT**

Meeting Date: March 25, 2019
 Department: Community Development
 Submitted By: Cody Sims, Assistant City Manager
 Prepared By: Cody Sims, Assistant City Manager
 Agenda Title: **Z2019-07: Amendment to approved Conditional Use Permit Z2019-03
 for 1618 North Ohio Street**

RECOMMENDED ACTION:

Approval of an amendment to an approved Conditional Use Permit issued to Global Parts, Inc. and Global Parts Auto Group, Inc. to use the property located at 1618 North Ohio Street for warehousing and storage of aircraft and auto parts/components and light assembly/light manufacturing in accordance with the revised conditions and restrictions.

BACKGROUND:

On Monday, February 25, 2019 the Planning Commission conducted a public hearing to review a request for a Conditional Use Permit (Z2019-03) to use the vacant Wal-Mart building located at 1618 North Ohio Street for warehousing and storage of aircraft and auto parts/components, and light assembly/light manufacturing. At the conclusion of the public hearing and consideration of the Golden Factors, the requested Conditional Use Permit was approved for Global Parts, Inc. and Global Parts Auto Group, Inc.

ANALYSIS:

The amendment to the approved Conditional Use Permit will only affect Condition No. 5: Signage. The proposed amendment will remove the following:

“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.”

In consideration for the approval of the amendment to 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 aircraft and auto parts/components, and light assembly/light manufacturing in support of operations for Global Parts Inc. and Global Parts Auto Group, Inc.
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.
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 and storage of aircraft and auto parts/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.

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

Zoning Administrator Approval Date: 03-21-2019
Attachments (*list in packet assembly order*):

- 1. *Golden Factors*



The Golden Factors

Meeting Date: 3/25/2019

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 in accordance to the amended conditions and restricted noted in the staff report.
- 8. Conformance with the Comprehensive Plan:**
The site will continue to hold a commercial designation, as specified in the Comprehensive Plan.