

**AGENDA**  
CITY OF AUGUSTA  
PLANNING COMMISSION  
April 22, 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. PLANNING COMMISSION MEETING MINUTES**

Approval of minutes for the April 8, 2019 Planning Commission meeting.

**a) Planning Commission Motion / Vote**

**C. BUSINESS**

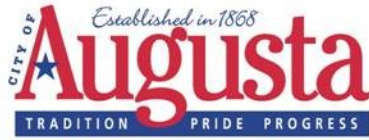
**1. Z2019-11: CONDITIONAL USE PERMIT FOR 720 NORTH STATE STREET**

Consider approval of a Conditional Use Permit to allow single-family residential occupancy in the basement of the existing church structure located at 720 North State Street pursuant to the conditions and restrictions imposed by the Augusta Planning Commission.

- 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**

**E. ADJOURN**



## Planning Commission Minutes

April 8, 2019

8:00am

**Members Present:** David Bisagno; Connie Thurman; Rick Blue; Elmer Simon; Jim Keller; Nick Hoefgen

**Members Absent:** Jake McClure

**Staff Present:** Cody Sims, Assistant City Manager  
Susan Smith, Community Development Administrative Assistant

**Visitors Present:** Rick Rawlings; Angie Johnston; Gary Rawlings

### *Minutes:*

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

### *Business:*

*Z2019-09: Conditional Use Permit for 1201 N Money Avenue:* (Nick Hoefgen recused himself due to a conflict of interest.) Sims provided the staff report to allow recreational vehicles in the Augusta Mobile Home Park and explained this was a request city staff has been working on with the applicants and the City Council for several months. Bisagno opened the public hearing. Nick Hoefgen spoke on behalf of Family 1<sup>st</sup> Living and explained the intent with the request. Rick Rawlings and Gary Rawlings were both in support of the Conditional Use Permit. Bisagno closed the public hearing and then read the Golden Factors. Thurman made a motion to approve the Conditional Use Permit requested by Family 1<sup>st</sup> Living to allow recreational vehicles in the Augusta Mobile Home Park located at 1201 N Money Avenue pursuant to the conditions and restrictions imposed by the Planning Commission; Simon seconded the motion. Motion carried without opposition.

*Z2019-10: Final Master Drainage Plan for the Family 1<sup>st</sup> Living Addition Located at Campbell Road and Cedar Lane* (Nick Hoefgen recused himself due to a conflict of interest.) Sims provided the staff report for the Final Master Drainage Plan, which included the preliminary drainage plan. Thurman made a motion to approve the Final Master Drainage Plan for the Family 1<sup>st</sup> Living Addition; Simon seconded the motion. Motion carried without opposition.

### *Adjourn:*

Simon made a motion to adjourn at 8:29am; Keller seconded the motion. Motion carried without opposition.

/s/Susan Smith, Secretary



**CITY OF AUGUSTA  
PLANNING COMMISSION  
AGENDA REPORT**

Meeting Date:           April 22, 2019  
 Department:           Community Development  
 Submitted By:         Cody Sims, Assistant City Manager  
 Prepared By:          Cody Sims, Assistant City Manager  
 Agenda Title:         **Z2019-11: Conditional Use Permit for 720 North State Street**

**RECOMMENDED ACTION:**

Consider approval of a Conditional Use Permit requested for 720 North State Street to allow single-family residential occupancy in the basement of the existing church structure pursuant to the conditions and restrictions imposed by the Augusta Planning Commission.

**BACKGROUND:**

Shelby Smith has submitted a request for a Conditional Use Permit to utilize the existing church structure located at 720 North State Street for single-family residential occupancy in the basement. Approval of the Conditional Use Permit would allow his family to live in the basement, provided the space meets the requirements of the adopted residential building code. The building inspectors have reviewed the property to determine what needs to be completed in order for it to meet the minimum residential building code requirements. Staff has requested the applicant work with a licensed architect to produce a floor plan for the structure.

**ANALYSIS:**

Staff has met with Mr. Smith on multiple occasions to discuss the planning and zoning requirements, as well as the residential building code requirements. Staff has conveyed the building must meet the intent of the residential building code before occupancy will be permitted. In preparation for the public hearing, the following conditions and restrictions were drafted for planning commission consideration:

1. PERMITTED USE. The use permitted under this Conditional Use Permit shall be limited to single-family residential occupancy of the structure for the applicant's immediate family. Two-family and multi-family residential occupancy shall be prohibited.

2. RESIDENTIAL BUILDING CODE. The structure shall, at all times during the duration of the applicant's permitted use, remain fully compliant with the requirements of the adopted residential building code.
3. OUTDOOR STORAGE. Outdoor storage shall be prohibited with this Conditional Use Permit.
4. TRASH AND DEBRIS. Trash and/or debris generated as a result of the permitted single-family residential occupancy shall 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.
5. DRAINAGE. Any improvements to the exterior of the property shall not allow storm water runoff to accumulate on the property, nor shall runoff be forced to surrounding property.
6. SIGNAGE. Any new signage shall comply with the City of Augusta, Kansas Sign Regulations.
7. 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.
8. FIRE PROTECTION. Fire protection required for the single-family residential occupancy shall be in accordance with all applicable laws and codes of the City of Augusta and the state of Kansas.
9. SUNSET. This permit shall be in full force and effect throughout the duration of the applicant'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, the applicant terminates the permitted use 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.
10. 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.

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**Zoning Administrator Approval Date:**           04-18-2019

**Attachments** (*list in packet assembly order*):

- 1. *Golden Factors*
- 2. *Architectural layout*



# The Golden Factors

Meeting Date: 4/22/2019

Applicant Name: Shelby Smith Property Address: 720 North State Street

Current Zoning Classification: A - Assembly

Proposed Zoning Classification: A - Assembly

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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.

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**1. The character of the neighborhood:**

*The character of the neighborhood is a mix of residential and commercial.*

**2. The zoning and uses of property nearby:**

*R-1A – Single-Family Residential; C - Commercial; CC – Central Commercial; A – Assembly*

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

*The subject property is suitable under the current zoning classification of A – Assembly to serve as a church, which has been the historical use of the property.*

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

*The Conditional Use Permit will have conditions and restrictions in place to minimize detrimental effect to nearby property.*



## The Golden Factors

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

*Until recently, the property has been used as a church. The property was recently purchased by the applicant to be partially used as a single-family residential structure.*

**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:**

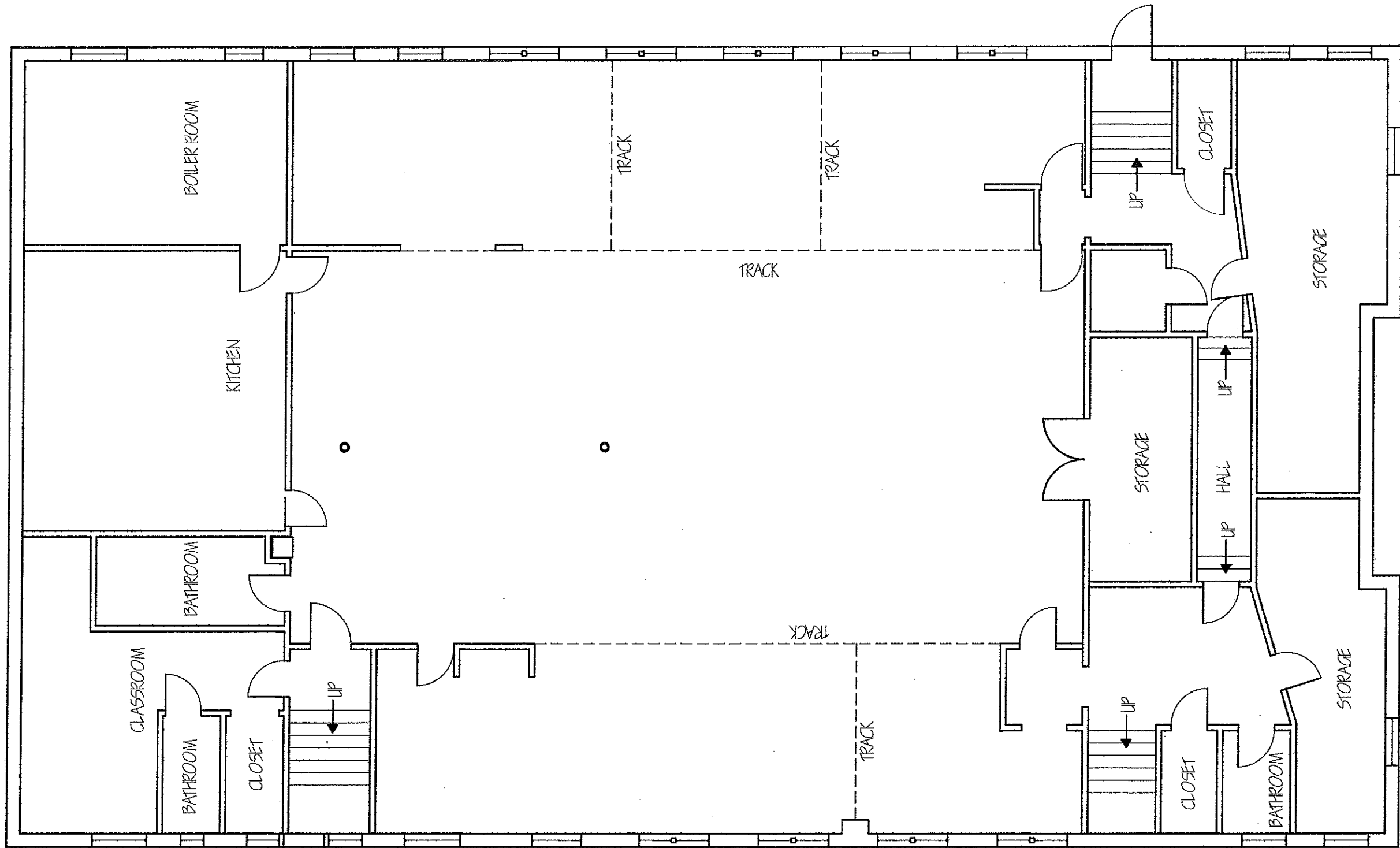
*Staff does not anticipate any relative gain to the public health, safety and welfare through the approval of the Conditional Use Permit that would allow single-family residential occupancy of the property.*

**7. Recommendation of professional staff:**

*Professional staff recommends approval of the Conditional Use Permit so long as the structure meets the requirements of the adopted residential building code throughout the duration of the permitted use.*

**8. Conformance with the Comprehensive Plan:**

*The Future Land Use Map of the Comprehensive Plan recognizes the property as Commercial; however, the entire Main Avenue corridor from State Street to Ohio Street is denoted as Commercial.*



GRADE LEVEL EXIT



FLOOR PLAN  
 SCALE:  $\frac{1}{8}'' = 1' 0''$

HOME OF THE SHELBY SMITH FAMILY  
 720 STATE STREET, AUGUSTA, KS

3/19/19