

**Planning Commission Meeting  
November 23rd, 2021  
5:30 p.m.**

1. Pledge of Allegiance
2. Call to Order
3. Public Forum
4. Consider Minutes of October 26th, 2021 Planning Commission Meeting and revisions made for August 24<sup>th</sup>, 2021 Planning Commission Meeting Minutes  
  
Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Karen Soliz, Cynthia Naylor, Gwen Owens-Wilson, Richard Idelman, Joshua Lawrenz, D.J. Neuberger, Marcus Hawkes, Vance Donahue, Vice-Chair Janet Wade
5. Approval of Agenda  
  
Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Karen Soliz, Cynthia Naylor, Gwen Owens-Wilson, Richard Idelman, Joshua Lawrenz, D.J. Neuberger, Marcus Hawkes, Vance Donahue, Vice-Chair Janet Wade
6. Discussion and Action on Conditional Use Permit for 602 North D Street Revision to Application-Signage  
  
Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Karen Soliz, Cynthia Naylor, Gwen Owens-Wilson, Richard Idelman, Joshua Lawrenz, D.J. Neuberger, Marcus Hawkes, Vance Donahue, Vice-Chair Janet Wade
7. Update 110 N Broadway CUP Ordinance
8. Update on Lake and Reservoir Master Plan
9. Update on Firehouse Evaluation Committee
10. Zoning Regulations subcommittee- December 17<sup>th</sup>
11. Adjourn  
  
Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Karen Soliz, Cynthia Naylor, Gwen Owens-Wilson, Richard Idelman, Joshua Lawrenz, D.J. Neuberger, Marcus Hawkes, Vance Donahue, Vice-Chair Janet Wade

**To join the Planning Commission meetings from your computer, tablet, or smartphone, go to <https://www.youtube.com/channel/UCbvSBw6l4w85XQHSX0S1BXg>**

Public Forum Comments can be dropped in the deposit box or emailed to [cityoffice@cityofherington.com](mailto:cityoffice@cityofherington.com). Must be received before 8:00AM the day of the meeting. Please keep statement to a maximum of 3 minutes.

DRAFT

**Planning Commission Meeting Minutes**  
**August 24, 2021**

The Board of Planning Commissioners of the City of Herington, Kansas met at City Hall at 5:30 p.m. on the above date – the following being present: Dennis Albrecht, Janet Wade, Cynthia Naylor, Deana Lewis, Joshua Lawrenz and D.J. Neuberger. Larry Mann was present via phone. Also, present City Clerk Megan Lawrenz, City Attorney Brad Jantz, Neighborhood Enforcement Officer Crystal Parris, Carl Urbanek, Debi Urbanek and Tim Hamilton.

The meeting opened with the Pledge of Allegiance.

Chair Dennis Albrecht called the meeting to order.

Public Forum – None.

Consider the minutes of July 1, 2021 – Cynthia Naylor motioned to approve the minutes from the July 1, 2021, planning commission meeting with the addition of her last name in two places, the removal of the word Clarification from the discussion and action on 620 W Main change and moving the City Attorney’s verbiage to an attachment A at the end of the minutes, seconded by Josh Lawrenz. Motion carried 8-0.

Approval of Agenda – Janet Wade recommended adding a roll call during the call to order. Cynthia Naylor motioned to approve the agenda with the addition of 6a. Comments & Discussion, seconded by Josh Lawrenz. Motion carried 7-1, with Dennis Albrecht casting the dissenting vote.

Discussion with Tim Hamilton, Planning and Zoning Administrator with Dickinson County and City of Herington Attorney Brad Jantz on Planning Commission Expectations.

Comments and Discussion –

DJ Neuberger- Would like to know exactly what the city is expecting from the Planning Commission, would like an explanation of expectations at the next planning meeting.

Janet Wade – Needs clarification from the Commissioners- does the Planning Commission have any extraterritorial requirements, the city attorney confirmed Herington has no extraterritorial requirements, thus this Commission is not required by state regulations to have 3 members from outside city limits (but within 3 miles). Mentioned that many new members were added at the same time and suggested staggering their term expiration dates. Said that the planning commissioners need better maps of the city. And asked about the Comp Plan, has it been budgeted, Mayor Urbanek answered from the audience that “not a specific item on budget”. She also mentioned that there may need to be changes to our current zoning regulations, as homes cannot be rebuilt with “a typical 50’ lot” (an exemption does exist). Thinks it would be helpful if the Planning Commission was briefed on the trailhead and lake master plan.

Larry Mann – Asked if the County had a regularly scheduled meeting and was told that the County Planning Commission meets on the third Thursday of the month.

Adjourn Zoning Meeting – Cynthia Naylor made a motion to adjourn the planning commission meeting, seconded by Janet Wade. Motion carried 8-0.

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Megan Lawrenz, City Clerk

DRAFT

**Planning Commission Meeting Minutes**  
**October 26, 2021**

The Board of Planning Commissioners of the City of Herington, Kansas met at City Hall at 5:30 p.m. on the above date – the following being present: Karen Soliz via phone, Janet Wade, Cynthia Naylor, Gwen Owens-Wilson, Richard Idleman, Joshua Lawrenz, DJ Neuberger, Marcus Hawkes, and Larry Mann. Also present were City Manager Branden Dross, City Clerk Megan Lawrenz, Carl and Debi Urbanek, John Shepherd and Deborah Churan.

The meeting opened with the Pledge of Allegiance. Chair Larry Mann called the meeting to order.

Public Forum – Carl Urbanek – 615 N D St., Herington, KS 67449 encouraged the approval of a conditional use permit for 620 N D St., Herington KS 67449 to allow a small business.

Joshua Lawrenz motioned to approve the minutes from the September 28, 2021, planning commission meeting. Seconded by DJ Neuberger. Motion carried 9-0. There was discussion about corrections to the August 24, 2021, planning commission minutes. Staff will make corrections, and will place the approval of the August 24, 2021, planning commission minutes on the next agenda.

Approval of Agenda – DJ Neuberger motioned to approve the agenda with the addition of 6a, 7a, 8a and 8b. Seconded by Cynthia Naylor. Motion carried 9-0.

Appointment of Vice-Chair – Gwen Owens-Wilson motioned to appoint Janet Wade as Vice-Chair, seconded by DJ Neuberger. Motion carried 6-3, with Richard Idleman, Joshua Lawrenz and Marcus Hawkes casting the dissenting votes.

6a. – Resignation of Chair Larry Mann – Larry Mann informed the planning commission that he was resigning from the planning commission effective immediately. DJ Neuberger motioned to not accept Chair Larry Mann's resignation, motion failed for lack of a second. Joshua Lawrenz motioned to accept Chair Larry Mann's resignation, seconded by Richard Idleman. Motion carried 8-1, with Karen Soliz casting the dissenting vote. City staff suggested letting the Vice-Chair run the planning commission meetings for November and December 2021, and to elect a Chair and Vice-Chair together in January of 2022 per planning commission by-laws.

Conditional use permit for 602 N D St., Herington, KS 67449 – After discussion it was determined that it was not necessary to approve a conditional use permit for a home business. Commissioners noted Section 17-6 Home Occupations. 17-601 Home Occupations a. The intent of this section is to allow home occupations, provided that they do not detract from the residential character of a neighborhood and will not cause excessive traffic, noise, nuisance or hazards to safety. It is also the intent of this section to allow only those home occupations as specifically provided for in section 17-602 below. It was determined that the proposed business did not meet any of the restrictions listed in 17-602, except for number 4. – No sign shall be permitted unless required by state law and, if so required, shall not exceed two square feet in area, shall not be illuminated and shall not be placed flat against the main wall of the structure. 17-603

number 8. Permits home crafts and hobbies such as model making, rug weaving, lapidary work, cabinet making, etc., provided that no machinery or equipment shall be used or employed other than that which would customarily be found in the home, including machinery or equipment that would customarily be employed in connection with a hobby or a vocation not conducted for gain or profit. It was determined that the planning commission would need to approve a conditional use permit to allow the business to have a sign. Janet Wade motioned to approve a conditional use permit for a portable sign to be used during business hours so long as the sign placement doesn't interfere with lines of sight for vehicle or pedestrian traffic, seconded by Gwen Owens-Wilson. Motion carried 8-0, with Karen Soliz abstaining from the vote.

7a. – Janet Wade requested clarification on whether the whole property located at 110 N Broadway, Herington, KS 67449 was rezoned for residential use, or if only the apartment was included. The planning commissioners felt that it was their intent that only the apartment was approved for residential use. City staff will speak with the City Attorney for clarification and will provide an update by the next planning commission meeting.

Herington Comprehensive Plan – City Manager Branden Dross suggested that the planning commission start to review the city's current comprehensive plan, starting with the first 4 sections. Discussion was disorganized and Joshua Lawrenz requested that for the next planning commission meeting City Manager Branden Dross provide very specific areas for discussion so that the planning commissioners could do proper research before discussing the topic. It was also the consensus of the planning commissioners to have a joint meeting with the city commissioners to determine expectations.

8a. Building Permits – DJ Neuberger started discussion on the city's current building permit process. City Manager Dross said that he would get DJ some information about the city's permit process outside of the planning commission meeting.

8b. It was the consensus of the planning commissioners to have a joint meeting with the city commissioners to determine expectations. City Manager Branden Dross will place an agenda item on the next city commission agenda to set a date for a joint meeting.

Cynthia Naylor made a motion to adjourn, seconded by Richard Idleman. Motion carried 8-0.

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Megan Lawrenz, City Clerk



# THE CITY OF HERINGTON

P.O. Box 31 • 17 North Broadway • Herington, KS 67449

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Telephone: (785) 258-2271

FAX: (785) 258-3552

Member of the Planning Commission,

REF: C2-2021

At the October 23<sup>rd</sup>, 2021 Planning Commission meeting approval for 602 N D Street was granted. This approval was considered "null and void" due to the nature of what was initially approved.

The conditional use permit was found to be not needed for the business use of the residential property, but one is needed for the use of a temporary sandwich sign.

I am asking you to grant the revised request for the signage allowing the use forbidden in 17-602 (4). No sign shall be permitted unless required by state law and, if so required, shall not exceed two square feet in area, shall not be illuminated and shall be placed flat against the main wall of the structure.

The sign recommended to be placed on the property as an A-Frame style sign. This sign will be brought in nightly after close of business.

Cordially,

Branden Dross  
City Manager



# THE CITY OF HERINGTON

P.O. Box 31 • 17 North Broadway • Herington, KS 67449

Telephone: (785) 258-2271

FAX: (785) 258-3552

September 3, 2021

## TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that at 5:30pm on October 26, 2021; the Planning Commission will meet at City Hall, 17 North Broadway, Herington, Kansas and will consider the following:

### C2-2021

**Application has been made and fees paid for a conditional use permit involving the property at 602 North D Street in the Single Family Residential District (R-1). The application is for the residential property to be used conditionally as a business.**

As provided in the Zoning Ordinance of Herington, Kansas, the above item will be discussed and considered by the Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes; and any protest whether in person or in writing against any of the provisions of the proposed changes will be considered by the Planning Commission.

CERTIFIED, this 3<sup>rd</sup> day of September, 2021.

A handwritten signature in black ink, appearing to read 'Branden Dross', written over a horizontal line.

Branden Dross  
City Manager



## **ARTICLE 6**

### **SINGLE FAMILY RESIDENTIAL DISTRICT (R-1)**

#### Sections:

- 6-1. Intent**
- 6-2. Permitted Uses**
- 6-3. Conditional Uses**
- 6-4. Intensity of Use Standards**
- 6-5. Height Standards**
- 6-6. Yard Standards**
- 6-7. Use Limitations**

#### **Section 6-1. Intent**

- 6-101** The regulations set forth in this section, or set forth elsewhere in these regulations, when referred to in this section, are the regulations in the Single Family Residential District (R-1). The purpose of this district is to provide for platted single-family residential development of a more urban character where sanitary sewers, adequate water and other necessary public utilities are present to support the development. As such, it is intended to be used only where such public utilities are present to serve such development. The district is also designed to protect and preserve existing development of a similar character

#### **Section 6-2. Permitted Uses**

- 6-201** The listing of permitted uses in a Single Family Residential District (R-1) shall be as set out in Appendix A of these regulations.

#### **Section 6-3. Conditional Uses**

- 6-301** The listing of conditional uses in a Single Family Residential District (R-1) shall be as set out in Appendix A of these regulations.

#### **Section 6-4. Intensity of Use Standards**

- 6-401** The intensity of use standards for a Single Family Residential District (R-1) shall be set out in Appendix B of these regulations.

#### **Section 6-5. Height Standards**

- 6-501** The height standards for a Single Family Residential District (R-1) shall be set out in Appendix B of these regulations.

#### **Section 6-6. Yard Standards**

- 6-601** The yard standards for a Single Family Residential District (R-1) shall be set out in Appendix B of these regulations and below.



C2-2021  
R1

City of Herington  
**INSTRUCTIONS TO APPLICANT**

**APPLICATION FOR CONDITIONAL USE**

**Conditional Use** – A use of any building, structure or parcel of land approved by the Planning Commission that, by its nature, is perceived to require conditional care and attention in siting so as to assure compatibility with surrounding properties and uses. Conditional uses may have conditional conditions and safeguards attached to assure that the public interest is served.

1. The applicant must complete the attached application form. All blanks should be filled in and any not applicable should be completed with N/A.
2. The applicant shall submit a statement in writing, justifying the Conditional Use.
3. The applicant must provide names and addresses of all persons who are the owners of Record of property within 200 feet of the outer limits of the property.
4. The applicant shall prepare and submit, at the time of filing the application, a detailed plot plan drawn to scale. All existing and proposed structures, property lines with dimensions, parking spaces, points of ingress and egress, driveways and other information which would be helpful to the Planning Commission in consideration of the application should be included.
5. The above-listed documents together with the nonrefundable fee of \$100.00 shall be submitted to the office of the City Clerk.

After the completed application and documents are received, all property owners within the 200-foot radius will be notified by mail and a hearing notice will be published in the local newspaper. The hearing date will be set no less than 20 days after the date of publication

APPLICATION FOR CONDITIONAL USE

1. Name of Applicant KAREN SOLIZ  
 Mailing Address 602 W. D STREET HERRINGTON  
 Name of Authorized Agent SAA  
 Mailing Address SAA Phone 209-663-7697  
 Relationship of applicant to property: Owner Tenant Lessee Other \_\_\_\_\_

2. The request is to CREATE A SMALL BUSINESS WITHIN  
my home selling custom FIDRAL DESIGNS IN SICK  
 For property located at 602 W. D STREET, HERRINGTON  
 And legally described as R12053

In Herington, Kansas; and which is presently zoned RESIDENTIAL.

3. The applicant herein, or his authorized agent, acknowledges:
- A. That applicant has received an instruction sheet concerning the filing and hearing of this matter.
  - B. That applicant has been advised of the fee requirements established; and that the appropriate fee is herewith tendered.

Karen Soliz  
 Applicant

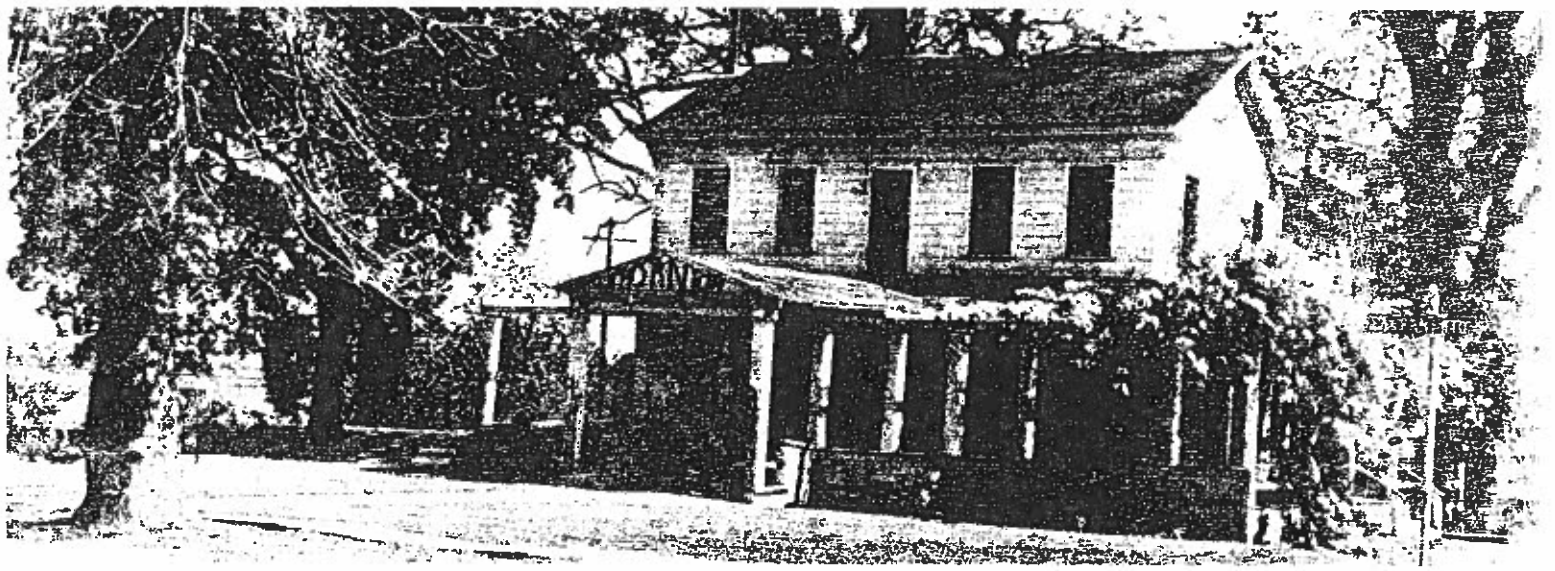
Cathy Reese  
 Authorized Agent

Office Use Only:

Received in office of the City Clerk Cathy Reese (a.m.) (p.m.)

Sept 2, 2021, together with the appropriate fee of \$100.00.

Cathy Reese



I'm requesting a "conditional use permit" to sell silk floral designs from my home. My designs are unique and one of a kind. I will also accept custom orders. (I've enclosed pictures that are examples of the type of designs that I produce.)

The shop is unique in that I will utilize the front porch of my Victorian home. I know of nothing in Herkington or adjacent communities that is similar. The shop is accentuated by the original fretwork, kneewall and commanding staircase, separated from the living area with a handsome wood pocket door.

The lot is  $\frac{1}{4}$  acre, on a corner, allowing for at least 8 vehicles to park on the street and an additional two spaces in the driveway.

I've not encountered any opposition from the neighbors I've been able to speak with.

I will not require any deliveries; use any solvents, or create an unusual amount of garbage, or noise.

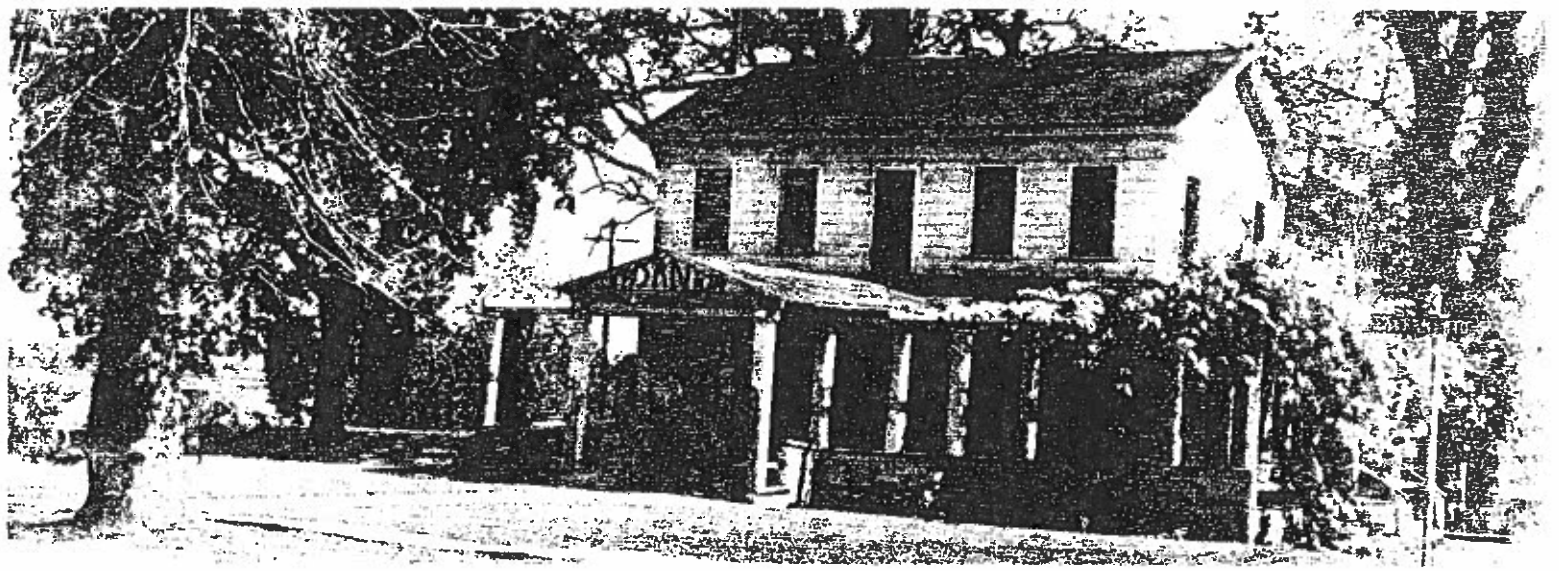
I will have limited hours of operation, two half days

AND ONE FULL DAY ON SATURDAY.

I'VE CONSULTED WITH THE CITY OF HERKINGTOWN CITY MANAGER AND NUMEROUS COUNTY DEPARTMENTS AND KNOW OF ANY LIABILITY THIS CREATES. IT DOES NOT REQUIRE CREATING AN ADDITIONAL STRUCTURE WITH INGRESS OR EGRESS, ALLOWING FOR THE TAXES TO REMAIN THAT OF A HOME.

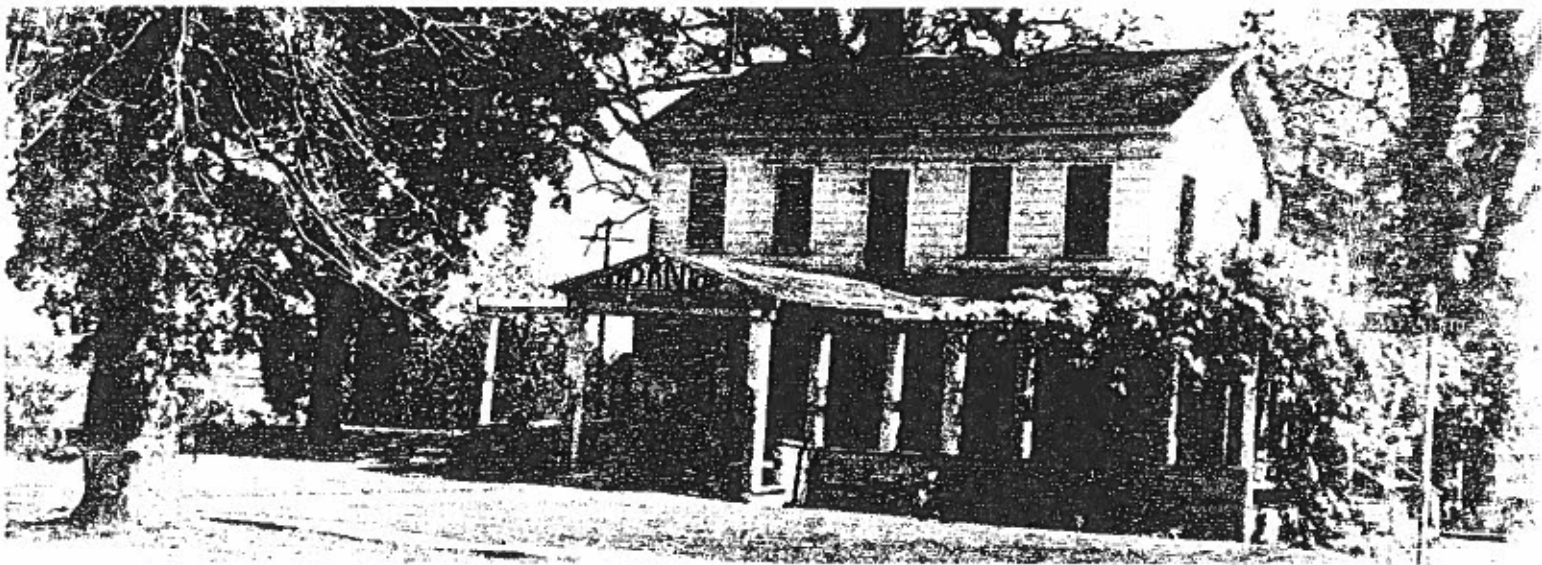
PREVIOUSLY I SOLD MY DESIGNS AT CRAFT FAIRS; I'M OLDER NOW AND IT IS MORE DIFFICULT PHYSICALLY TO DO SO.

I WISH TO OFFER AN UNIQUE, UPSCALE SHOPPING EXPERIENCE WITHIN MY COMMUNITY; FEATURING THE LOVELY HISTORICAL HOMES IN HERKINGTOWN. THE LOCATION IS ON A MAIN STREET, CLOSE TO THE BAKERY, ENCOURAGING PATRONAGE THERE AND THE DOWNTOWN CENTER.

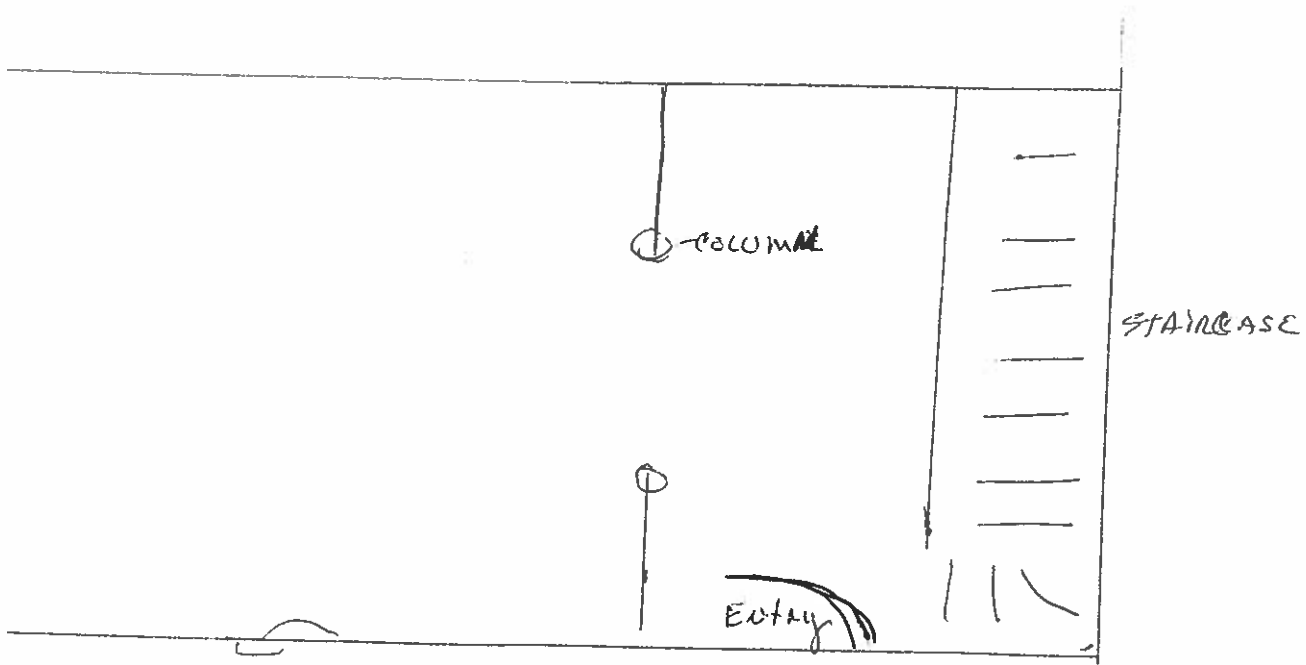


OWNERS = 200 Ft. Perimeter

DANIEL McDONALD	519	71. D St.	Herington	67449
JAMES Schimming	515	71. D. St.	"	"
DON CARDIN JR	520	71. D St.	"	"
JAVIER SANCHEZ	516	71 D St	"	"
GAYCE White	604	71 D St.	"	"
John Shephard	616	71 D St	"	"
JASON & ROXANNE Beck	414 E	McKENZIE St.	White City, KS	66872
Eady Bollinger	601	71 E St.	Herington KS	67449
John SpRESSER	307	E St.	"	"
LEON BARONBA	1550	S 2700 Rd.	Herington	"
NICHOLAS HARPEL	621	71. D St.	"	"
EARL URBANER	615	71. D St.	Herington	"
REBORAH Churam	605	71 D St	"	"
SAMUEL FATOOL	603	71 D St.	"	"



34' x 12 1/2'      1" = 1/4"





# Kansas Castle Property Inspection, LLC

01:37 July 16, 2020

Karen Soliz  
602 North D street  
Page 2 of 22

## Definitions

NOTE: All definitions listed below refer to the property or item listed as inspected on this report at the time of inspection

A	Acceptable	Functional with no obvious signs of defect.
NP	Not Present	Item not present or not found.
NI	Not Inspected	Item was unable to be inspected for safety reasons or due to lack of power, inaccessible, or disconnected at time of inspection.
M	Marginal	Item is not fully functional and requires repair or servicing.
D	Defective	Item needs immediate repair or replacement. It is unable to perform its intended function.

## General Information

### Property Information

Property Address 602 North D street



City Herington State Kansas Zip 67449 herington  
Contact Name Joan Hirsh/ agency  
Phone 479-1528 Fax

### Client Information

Client Name Karen Soliz  
Client Address 18960 Chestnut Street  
City Woodbridge State Calif. Zip 95258  
Phone 209-663-7697 Fax  
E-Mail karen.soliz@att.net

**Property Information**

Primary Owner	COBISENO-SOLIZ, KAREN ELAINE
Mailing Address	602 N D ST HERINGTON, KS 67449
KSPID	0212611201008005000
QuickRefID	R12053
Property Address	602 N D ST, Herington, KS 67449
Property Details	<a href="#">View on Web Portal</a>
Tax Details	<a href="#">View on Web Portal</a>

Zoom to ...

Maxar, Microsoft Power es

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