

Planning Commission Meeting
June 27, 2023
12:00 PM

1. Pledge of Allegiance
2. Call to Order
3. Consider Minutes of May 23, 2023, Regular Planning Commission Meeting.

Motion _____ Second _____ Action _____
Karen Soliz, Cynthia Naylor, Gwen Owens-Wilson, Richard Idelman, Joshua Lawrenz,
D.J. Neuberger, Vance Donahue, Janet Wade, Marcus Hawkes

4. Public Forum
5. Additional Agenda Items
6. Approval of Agenda

Motion _____ Second _____ Action _____
Karen Soliz, Cynthia Naylor, Gwen Owens-Wilson, Richard Idelman, Joshua Lawrenz,
D.J. Neuberger, Vance Donahue, Janet Wade, Marcus Hawkes

7. Opening of Hearing and Public Forum Relating to V3-2023 (301 South C Street).
8. Presentation of Materials from Justin Bettles on V3-2023 (301 South C Street).
9. Discussion and Action on Conditional Use to Allow Construction of Shed Outside of Setback Ordinance in an R-3 Area (301 South C Street).

Motion _____ Second _____ Action _____
Karen Soliz, Cynthia Naylor, Gwen Owens-Wilson, Richard Idelman, Joshua Lawrenz,
D.J. Neuberger, Vance Donahue, Janet Wade, Marcus Hawkes

10. Discussion and Update of Comprehensive Plan.

11. Committee and Staff Reports
 - a. DKCO Planning and Zoning- Karen

12. Commissioner Comments

13. Adjourn

Motion_____ Second_____ Action_____
Karen Soliz, Cynthia Naylor, Gwen Owens-Wilson, Richard Idelman, Joshua Lawrenz,
D.J. Neuberger, Vance Donahue, Janet Wade, Marcus Hawkes

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

Planning Commission Meeting
May 23, 2023
12:00 p.m.

The planning commission members met on the above date and time in the commission chambers of Herington City Hall. In attendance were D. J. Neuberger, Josh Lawrenz, Karen Soliz, Cynthia Naylor, Gwen Owens-Wilson, Richard Idelman, Janet Wade, Marcus Hawkes, Neighborhood Services Director James Masters, City Manager Thatcher Moddie and Lisa Beye.

The meeting opened with the pledge of allegiance.

Chair Marcus Hawkes called the meeting to order.

Consider minutes of April 25, 2023-Regular Planning Commission meeting.

Janet Wade made a motion to accept the minutes, seconded by Cynthia Naylor. Motion Carried 8-0.

Public Forum: None

Additional agenda items:

Karen Soliz made a motion to approve the agenda with the addition of item 12b: Update of Flood Plain Map, 12c: Zoning Revisions to Modular Homes & Setbacks Update, and 10a: Sidewalks and Street repairs, seconded by Josh Lawrenz. Motion carried 8-0.

The hearing was opened for the matter relating to C1-2023 (620 N. G St.). The public forum time was opened as well. There was no one present, or any letters received.

The property owner, Lisa Beye, presented in the absence of Elizabeth Beye. Ms. Beye presented an overview of what is proposed at the property. Elizabeth has bought the hair salon downtown, First Impressions. It is now Luxe Downtown. She wants to expand to a spa and wellness center but there is not enough room in the current building. She has looked at other buildings downtown, but repair costs would be too much. She has permission from the property owners to use the workshop on the property of 620 N. G Street. Ms. Beye plans on having tanning three booths, a massage station, and an esthetician room. In addition, she would like to offer a tea, smoothie and shake bar with a small retail area for products. Operating hours will be Monday through Friday from 7 AM to 2 PM and Saturday from 7 AM to 2 PM. Drinks would only be served until 2 PM. Lisa Beye noted this location would take the least amount of work to expand this business. It is close to the highway, there is enough off-street parking on the property, and noted other towns having businesses in residential areas.

Discussion was had concerning this business in the residential area. The consensus of the commission was in favor of expanding the business. Elizabeth was able to join by phone. There were concerns raised. Karen expressed concerns about noise and asked if a natural barrier like bushes could be planted. Richard Idelman noted he was approached by a community member about the traffic in the area. Mr. Idelman originally thought the beverages would only be served to patrons receiving salon services and thought traffic would not be a problem. He did have concerns if beverages were available to anyone at any time. Janet Wade also expressed concerns about traffic in this neighborhood if the beverages were open to anyone. Ms. Beye was asked if she would consider only serving to patrons of salon services. She thought it would be difficult to do and hurt business to turn people away in that matter. Marcus Hawkes noted this property is different than other residential areas in that it provides off-street parking. Ms. Wade noted the streets in that area are not very wide and may not support this kind of traffic should the in and out type of business occur.

Josh Lawrenz moved, with a second from Cynthia Naylor, to pass the conditional use permit as presented, moving the matter to the City Commission, as presented. Motion passed 4-3 with Mr. Neeberger, Ms. Soliz, Ms. Wade casting no votes and Mr. Idelman abstaining.

Discussion was had of public property and fairground land use. Janet Wade passed out maps of the fairgrounds area. She raised concerns about placing transformer storage for the electric department in an area east of the fair board building. The zoning of agriculture in this area does not allow that placement and it is close to residential areas. Other areas were discussed with cost and floodplain being the biggest concerns raised.

Janet Wade, with a second from Karen Soliz, motioned the Planning and Zoning Commission is not in favor of moving transformer storage to the proposed site and recommends the City Commission reconsider placement of proposed industrial storage. The motion met a stalemate with a 4-4 vote. Mr. Neuberger, Mr. Lawrenz, Mr. Idelman, and Mr. Hawkes cast dissenting votes. City Manager Moddie said he could still pass on the concern.

Discussion was had concerning sidewalk and street repairs. Janet Wade recommended putting priority on public places from South Park to Father Padilla Park. Last year's street repairs were not in what was in the report on streets.

An update of the Comprehensive Plan was discussed. City Manager Moddie said he talked with the Commission about the state of progress the plan is in. The commission understands it is in the Planning and Zoning Commission's purview with no budgeted money. A fall timeline is good. The subgroup discussed a meeting time and discussing the plan with Mr. Moddie.

Karen Soliz gave a report of the Dickinson Count Planning Commission. The items discussed were equipment problems, DS & O is gathering information to our area with Green Solar Panels Company, bridge work is happening on 800 Avenue, and a proclamation was made of mental health month.

Janet Wade made note that that the protest period was ending in late August with the final map available in February. We need to revise our zoning map.

An update on the modular home and set back ordinances was had. The modular home ordinance passed. Janet Wade noted there are some conflicts in our regulations that should be looked at.

Commissioner Comments:

D.J. Neuberger- None

Josh Lawrenz- None

Karen Soliz- Date for work group is June 8th at 1 PM.

Janet Wade- Emails coming from the city appear to be delayed going to her yahoo in box. The EV charger is functional now. Update the Planning and Zoning minutes on the website. Several items on zoning map not up to date on website. Can items such as variance and conditional use be sent out earlier by staff? What is happening with the auxiliary structure near The Spot and who owns it? There are concerns about right of way and setbacks. (Mr. Moddie approved conditional to a contract and transfer of ownership for placement)

Cynthia Naylor- None

Gwen Owens-Wilson- None

Richard Idelman- None

Marcus Hawkes- None

Josh Lawrenz made a motion to adjourn. It was seconded by Richard Idelman and the motion carried 8-0

Chanda Wilson, Deputy City Clerk

BOARD OF ZONING APPEALS
APPLICATION FOR VARIANCE

CASE NO. _____
DATE FILED _____

Name of Applicant Justin Scott Bettles

Mailing Address 301 S. C St. Herington Phone 366-0928

Name of Authorized Agent N/A

Mailing Address N/A Phone N/A

Relationship of applicant to property:

Owner Tenant Lessee Other _____
(Circle One)

The variance requested is for

Construction of shed in place of one recently torn down

For property located 301 South C Street Herington, KS 67449

And legally described as _____

In Herington, Kansas: and which is presently zoned Residential

(I), (We) appeal the decision of the building inspector/zoning administrator concerning the following: (Additional page can be included)

16' x 16' shed placed on back of property located on alleyway, 9ft. south of existing garage

The reason (I), (We), feel this decision is incorrect:

All garages in the neighborhood directly on property line with alleyway. Structure is being put in place of former one. Other neighborhood garages torn down and rebuilt in same location in past 10 years.

The applicant herein, or 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.
- C. That applicant has been advised of his right to appeal the decision of the Board to the District Court within 30 days of decision.

Justin Bettles
Applicant Signature

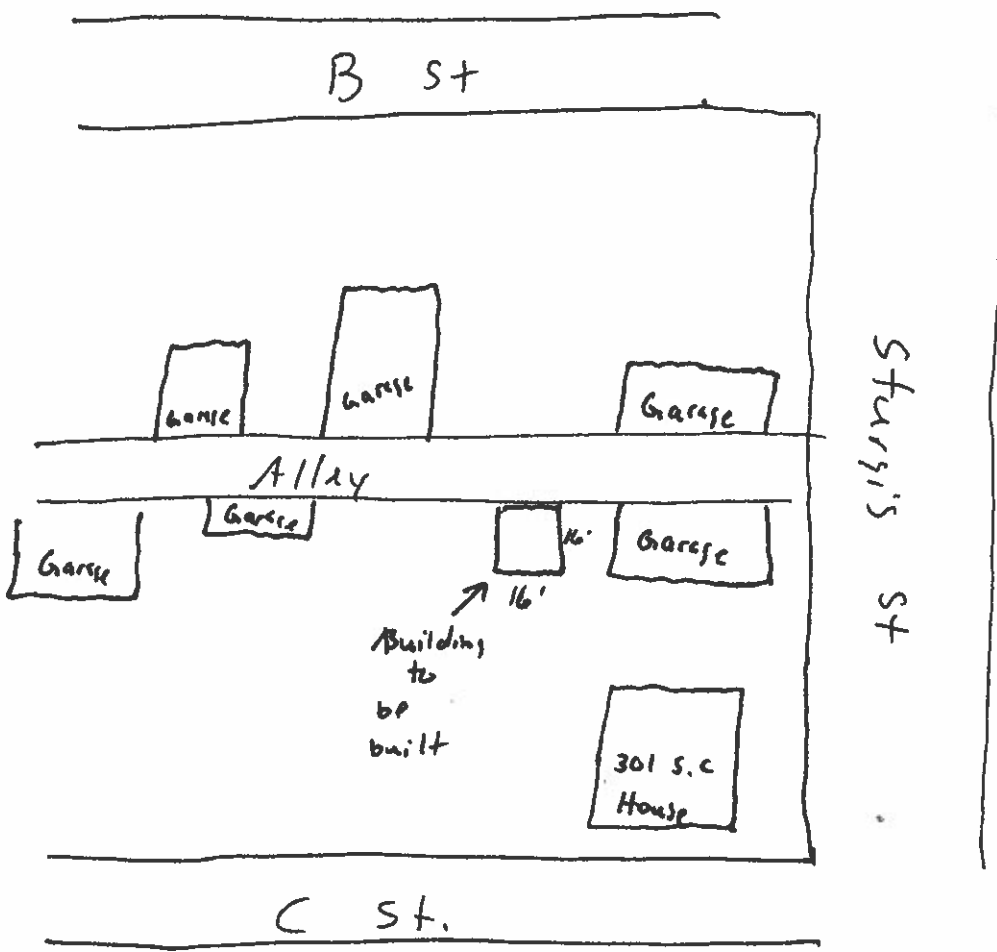
N/A
Authorized Agent Signature

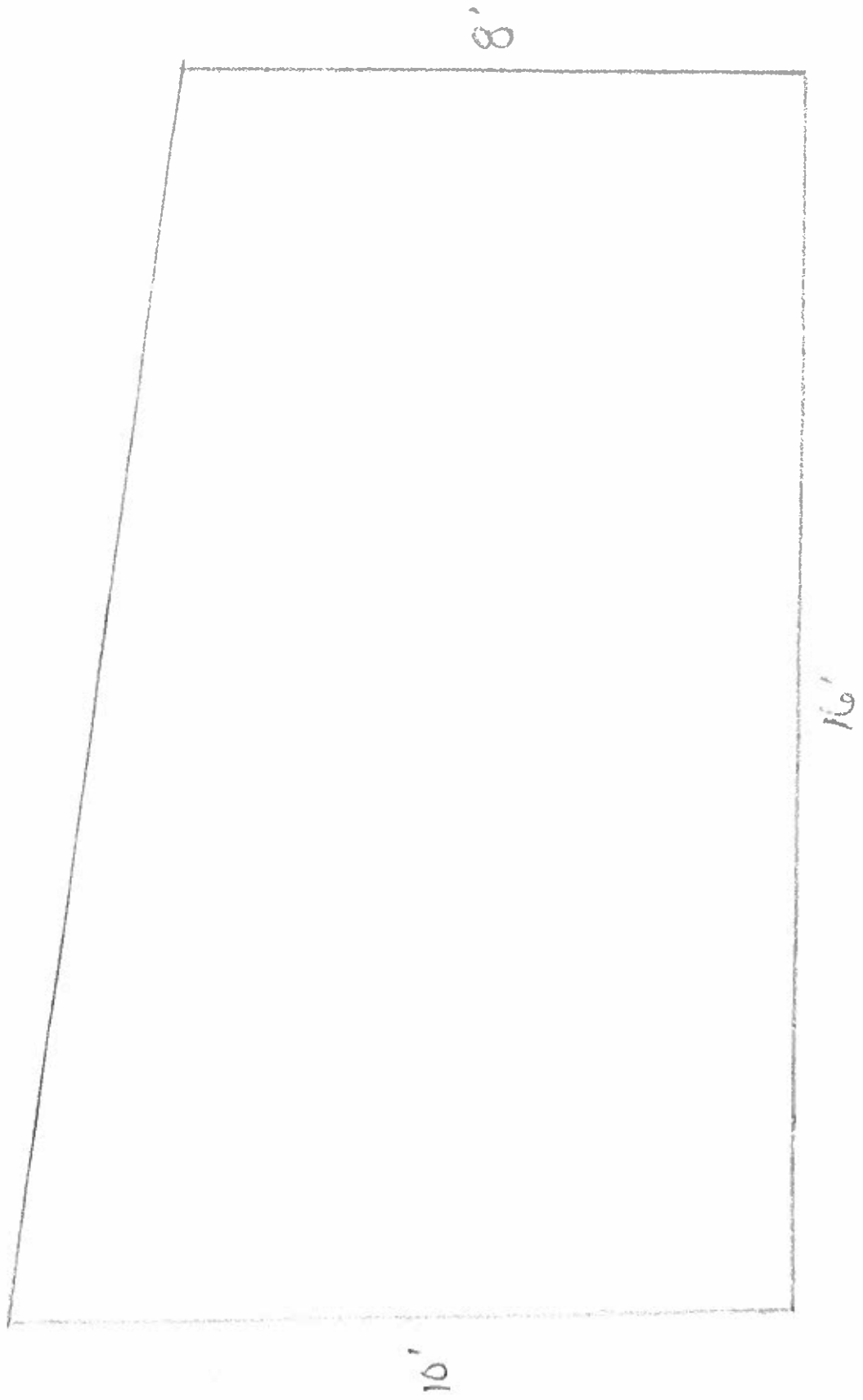
Office Use Only

Received in office of the City Clerk 8:26 (a.m.)(p.m.)

April 27, 20 23, together with a nonrefundable fee of \$100.00.

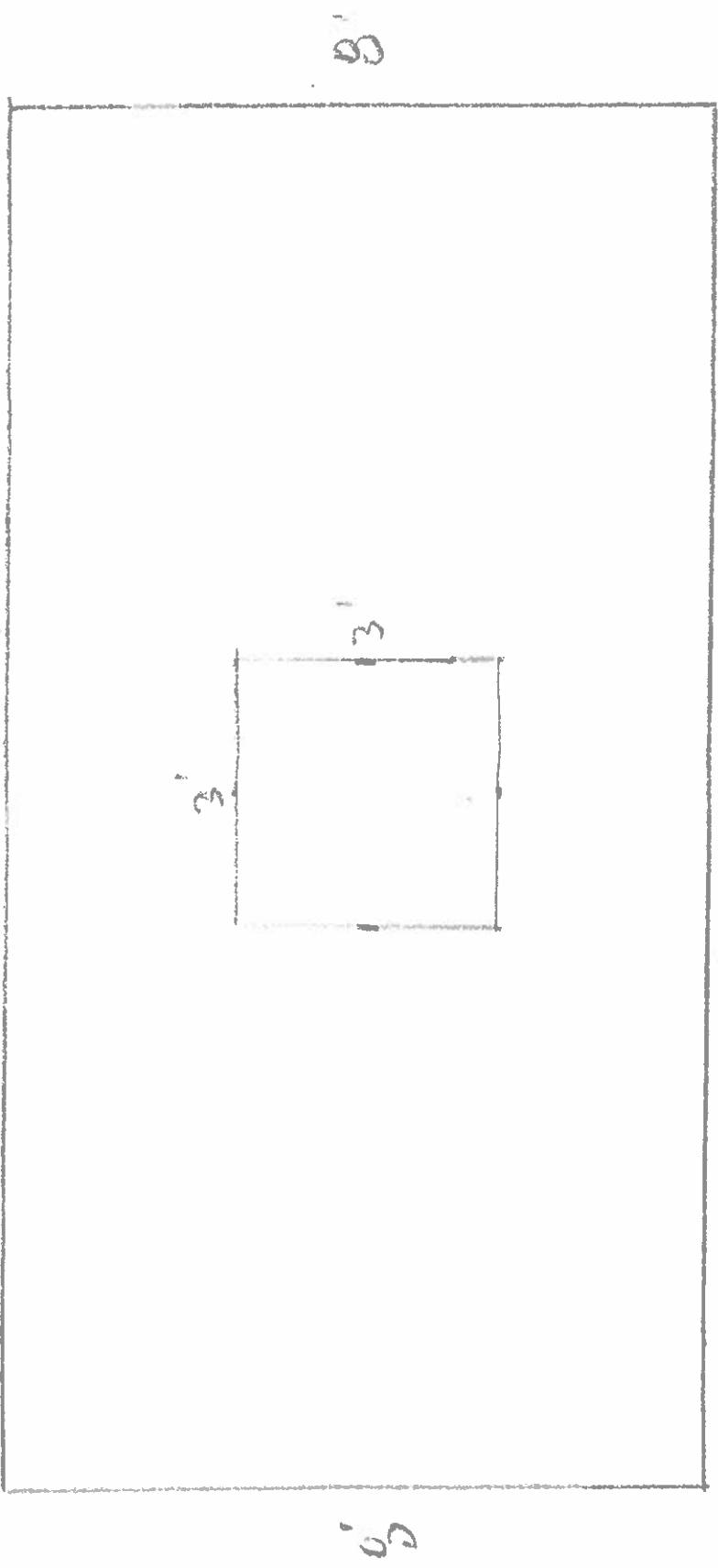
Cathy Reese





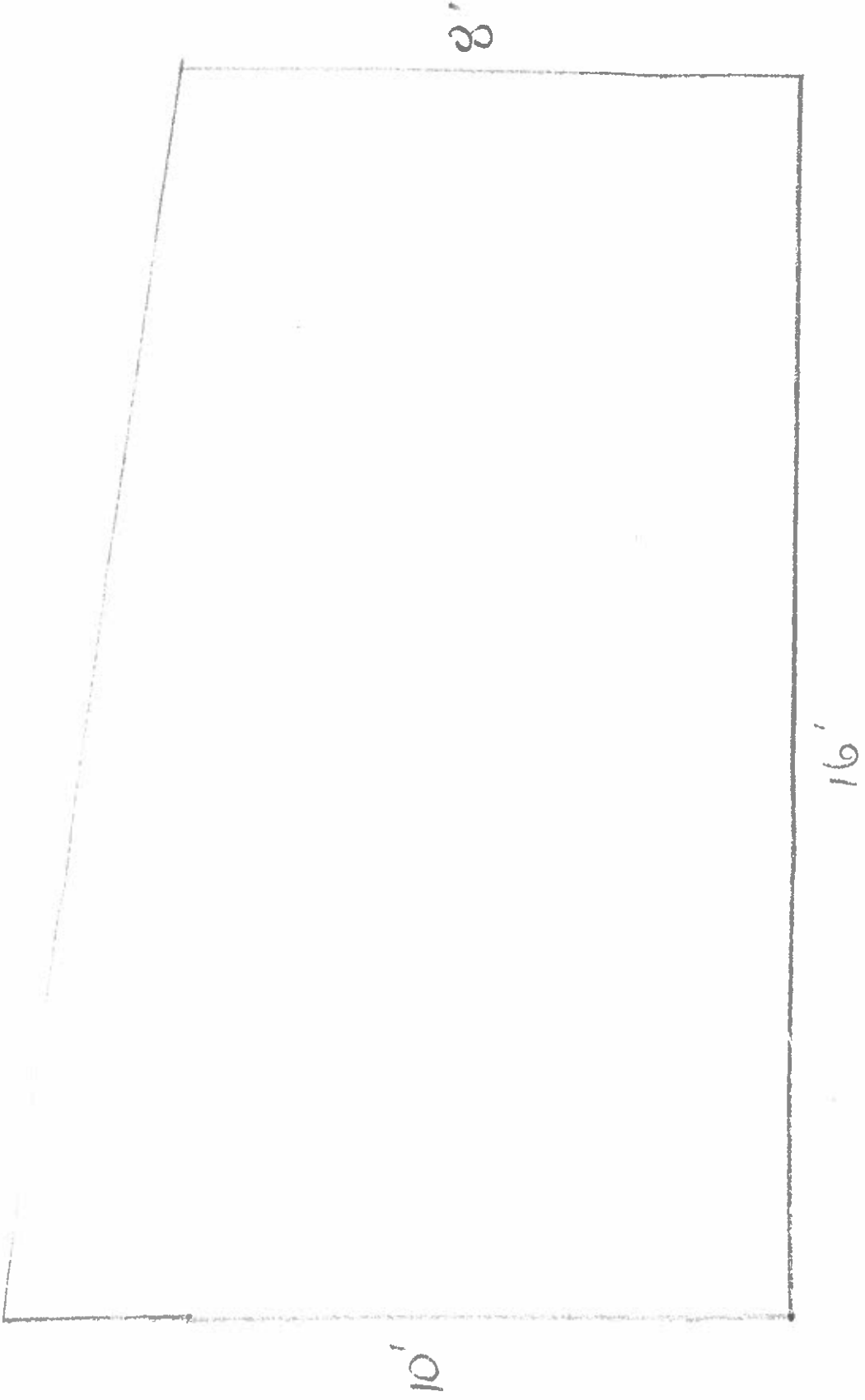
STDE

NHN+IL



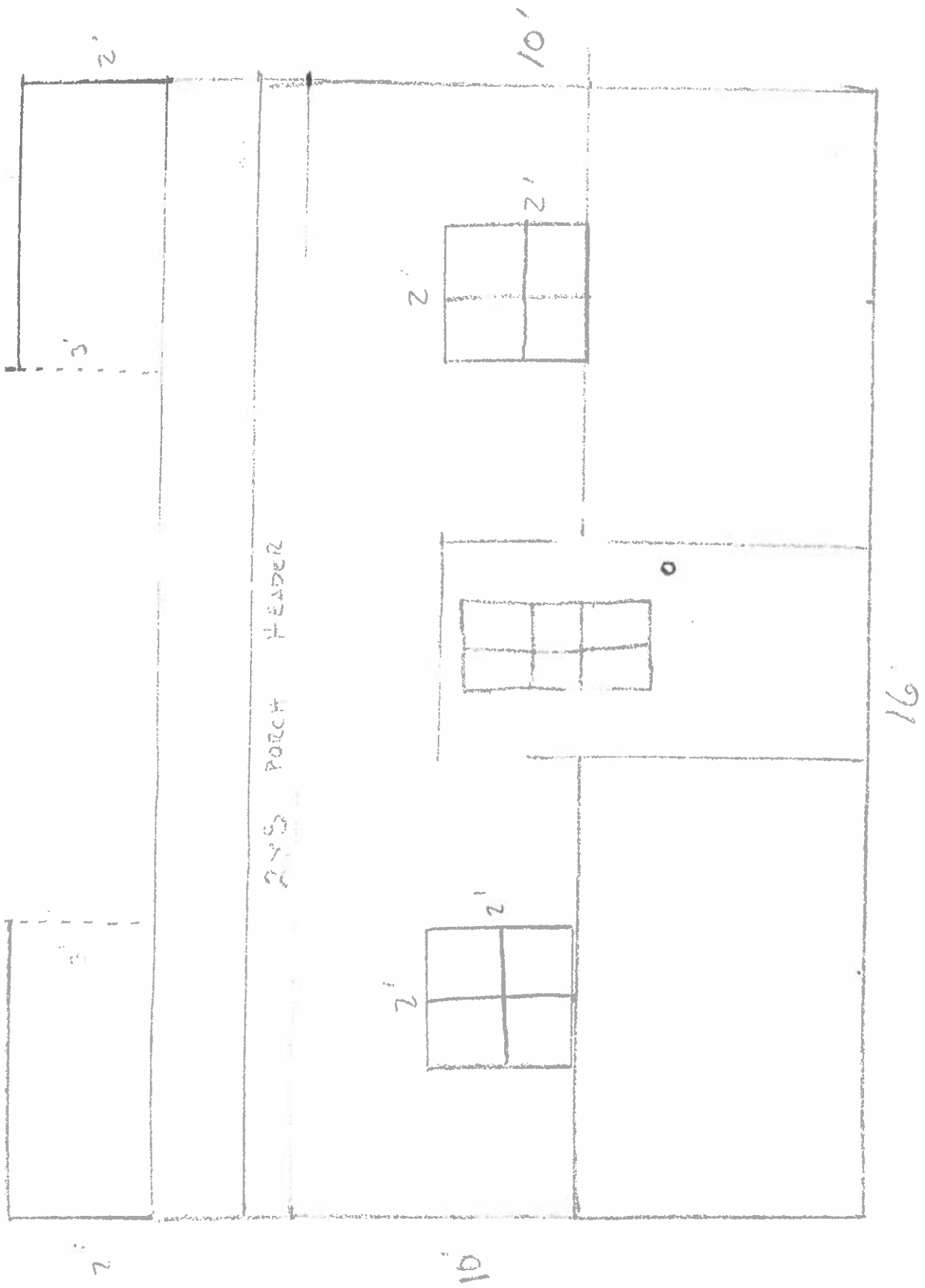
WOST

BACK



#1 nos
SOUTH

SIDE



FRONT

EAST



17 NORTH BROADWAY • HERINGTON, KANSAS 67449

NAME			Justin Bettles			<input checked="" type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> Credit Card - M.O. <input type="checkbox"/> Auto Dep. - ACH	
MAIL ADDRESS						REC'D BY <i>[Signature]</i>	
CITY							
STATE			ZIP				
FUND NAME		fund no.	DATE		00637		
EMPLOYEE		10	4/27/23				
REV. CODE	GL	DESCRIPTION				AMOUNT	
		Variance					
		Application					
		Fee					
		999 #1					
		10 11 400 315					
						100.00	
						TOTAL AMOUNT ↑	

(Published in the Dickinson County News-Times on May 17, 2023)

PUBLIC HEARING NOTICE

Notice is hereby given that the Planning Commission of the City of Herington, Kansas will hold a Public Hearing on a Variance Request for 301 S C Street Herington, KS 67449 pursuant to Section 6-601 set out in Appendix B. The meeting is scheduled for Tuesday, June 27, 2023, at 12:00 p.m. or as soon thereafter as possible in the City Commission Room, at City Hall 17 N Broadway, Herington, Kansas.

Citizens who desire a copy of the variance request should contact Neighborhood Services Director, James Masters via phone at (785) 258-2271 or via email at inspector@cityofherington.com.

Upon request, special accommodations will be made for persons with disabilities.



May 17, 2023
James Masters, Neighborhood Services Director

Building Permit Application

City of Herington, Kansas

To be completed by Applicant...

Job Address: 301 South C Street			
Owner: Justin Bettles		Phone: 785-366-0928	
Mailing Address: 301 S C St	City: Herington	State: KS	Zip: 67449
Contractor: Self	License No.:	Phone:	
Mailing Address:	City:	State:	Zip:
Use of Building: Storage	Area (ft ²): 256		
Class of Work (circle): <input checked="" type="radio"/> New <input type="radio"/> Addition <input type="radio"/> Alteration <input type="radio"/> Repair <input type="radio"/> Move <input type="radio"/> Remove			
Describe Work and/or provide a drawing: 16' x 16' shed constructed on back of property			

Owner:	Job Address: (Office Use)
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Valuation of work: \$ **5,000.00**

Permit Fee includes a \$20.00 Inspection Fee

NOTICE

Separate permits are required for electrical, plumbing, mechanical and building. This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Permit not validated until Permit Fee is paid.

OFFICE USE ONLY

Inspection:	Date:	Pass/Fail	Pass/Fail
Pre-site:			
Foundation:			
Frame:			
Final:			

Signature of Contractor <i>Justin Bettles</i>	Date 4/19/23
Signature of Owner (if owner builder)	Date

SPECIAL APPROVALS:	REQUIRED: (YES/NO)	RECEIVED: (date)
Planning Board:		
Health Department:		
Fire Department:		
KS Historical Society:		
KDOT:		
US Army Corps of Engineers:		
City Commission:		
Other: (specify)		

OFFICE USE ONLY

Special Conditions:

Permit No.: Approval Date:

Approved By: _____

PERMIT FEE: \$