

**CITY OF LEAVENWORTH PLANNING COMMISSION**  
**COMMISSION CHAMBERS, CITY HALL**  
100 N 5<sup>th</sup> Street, Leavenworth, Kansas 66048  
**REGULAR SESSION**  
**Monday, December 3, 2018**  
6:00 PM

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**CALL TO ORDER:**

**Commissioners Present**

Jay Byrne  
Mike Burke  
Claude Wiedower  
Linda Bohnsack  
Camalla Leonhard

**Commissioners Absent**

Sherry Hines Whitson  
John Karrasch

**City Staff Present**

Julie Hurley  
Michelle Baragary

Chairman Byrne called the meeting to order at 6:00 p.m. and noted a quorum was present.

**Approval of Minutes:** October 1, 2018

Chairman Byrne asked for comments or a motion on the minutes presented for approval: October 1, 2018. Ms. Leonhard moved to accept the minutes as presented, seconded by Mr. Wiedower. The minutes were approved by a vote of 5-0.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**1. 2018-18 SUP – 2400 S. 15<sup>TH</sup> STREET**

Conduct a public hearing for Case No. 2018-18 SUP – 2400 S. 15<sup>th</sup> Street. The applicant is requesting a Special Use Permit to allow a solar energy collection system with over 500 square feet of collection surface.

Chairman Byrne called for the staff report.

City Planner Julie Hurley stated Teddy Matlock, the owner of the home located at 2400 S. 15<sup>th</sup> Street, is requesting a Special Use Permit to allow a solar energy collection system with over 500 square feet of collection surface. Section 10.01 of the Development Regulations requires a Special use Permit for any solar energy system with over 500 square feet of collection surface.

The solar panels are proposed to be installed on the east and south faces of the roof, and include approximately 598 sqft of solar collection surface area. The existing structure is a single-family home.

### **COMMISSION FINDINGS**

The Commission may recommend issuance of a special use permit whenever it finds that:

1. The proposed special use complies with all applicable provisions of this ordinance.

*Staff believes that this application complies with all provisions of the City of Leavenworth Development Regulations.*

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

*A solar collection system will provide numerous economic and environmental benefits to both the homeowner and community as a whole.*

3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.

*Staff does not believe that the proposed solar energy collection system will cause substantial injury to the value of other property in the neighborhood.*

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

*The proposed solar energy collection system will be located such that it is an integral part of the existing home, and will not interfere with development and use of any neighboring property.*

### **STAFF RECOMMENDATION:**

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein.

### **ACTION/OPTIONS:**

- Motion, based upon findings as stated to recommend approval to the City Commission
- Motion, to recommend denial to the City Commission
- Table the issue for additional information/consideration

Chairman Byrne asked for questions from the commissioners about the staff report.

Mr. Byrne asked if there has been a special use permit for this use in the past.

Ms. Hurley stated the only application that has come through was for St. Mary's University, which was not for a residential solar installation. All other residential solar installations have been under 500 sqft.

Chairman Byrne opened the public hearing. With no one wishing to speak for or against the request, Chairman Byrne closed the public hearing and opened it for discussion among the commissioners.

Mr. Wiedower stated he has a friend who is a retired engineer who installed solar panels on a residential home. He stated it is environmental friendly, energy efficient, and does not negatively impact neighboring properties.

Ms. Bohnsack asked if the panels will be flush with the roof and not standing up.

Teddy Matlock, property owner of 2400 S. 15<sup>th</sup> Street, stated the panels will be flush with the roof. With the way the house is positioned, panels will be installed on the front of the house and east side.

With no further discussion, Chairman Byrne called for a motion. Ms. Bohnsack moved to approve the Special Use Permit to allow 598 sqft of solar collection surface area based upon the staff report and the findings, seconded by Ms. Leonhard and approved by a vote of 5-0.

## **2. ANNUAL REVIEW OF DEVELOPMENT REGULATIONS – PROPOSED TEXT AMENDMENTS**

The Development Regulations were adopted by the City Commission in June, 2016 after a year-long comprehensive update process. Through the daily use of the Regulations by staff, several minor items have arisen that may necessitate possible updating. This process is not uncommon, and it is anticipated that an annual review of the Development Regulations will be performed in order to ensure that they remain up to date and comprehensive. The following sections have been identified for update.

City Planner Julie Hurley stated this is a preliminary discussion of the items within the Development Regulations that have been identified for potential revision. No action or motion is needed in tonight's meeting. Moving forward, staff will get revisions written up for the commissioners to take action on at the next meeting.

- **Section 3.02 Applicability and Exemptions; Subsection B.1**  
Language should read "The division of land into parcels or tracts of NOT more than five acres and not involving any new streets or easements of access and not affecting major streets."
- **Article 4; Zoning Districts and Standards**  
Discuss adding provision for secondary living quarters in existing Carriage Houses in residential areas.
- **Section 4.04 Use Standards; Subsection B.3.a**  
Variances in size for detached garages should be approved through Board of Zoning Appeals process, not Special Use Permit process.
- **Article 8; Signs**  
Add penalty for installing signage without first obtaining permit. Suggested penalty of \$100 per day.

- **Section 8.04 Permits; Subsection C**  
Add “decorative light pole banners” as a type of sign excluded from permit.
- **Article 8.08; Signs Permitted in All Residential Districts**  
Add size standards for neighborhood identification monument signs in residential areas.
- **Section 10.01 Solar Energy**  
Discuss changing requirement of Special Use Permit to install solar energy system with over 500 sqft of collection surface.
- **Article 12; Definitions**  
Add definition for “Indoor Commercial Recreation”
- **Appendix A; Use Table**  
General review of entire use table. Specific issues identified:
  - Discuss appropriate zoning districts for “Live/work dwellings”, potentially include commercial areas
  - Add use type, parking requirement and associated definition for “Event Venue”
  - “Private Solar Collection Systems” should be permitted in all districts
  - Provision for approval of “Commercial Solar collection Systems” in additional districts
  - Provision for approval of “Commercial Wind Energy Systems” in additional districts
  - Move “Athletic Facilities” from Commercial Services subsection to Recreation and Entertainment, Outdoor subsection.

**ACTION/OPTIONS:**

No formal action required at this time. Upon conclusion of discussion by Planning Commission, a public hearing will be set for the proposed text amendments at the next regularly scheduled Planning Commission meeting, as provided for in section 2.01 of the Development Regulations.

Mr. Byrne asked if it would be acceptable to forward to staff any other suggested changes the commissioners may have.

Ms. Hurley responded in the affirmative.

With no further business the meeting was adjourned at 6:40 p.m.

JH/mb