

Agenda
City of Baldwin City, Kansas Planning Commission
Tuesday, January 8, 2019 – 7:00 p.m.

- I. Call to Order
- II. Approve the minutes of the regular Planning Commission meeting held on December 11, 2018
- III. Unfinished Business
 - 1. To consider amending the Zoning Regulations to modify off-street parking materials and single-family residential minimum parking stall standards; and to add a new section to the Zoning Regulations regulating shipping containers in all zoning districts. (Action Item)
- IV. New Business
 - 1. Mobile Home Park Discussion (Discussion Item)
- V. Adjourn

**Minutes
City of Baldwin City Planning Commission
December 11, 2018 at 7:00 P.M.**

Location: Baldwin City Library, 800 7th Street, Baldwin City, Kansas

Chairperson Richard Dechant called the meeting to order at 7:00P.M.

Members present included Richard Dechant, Matt Kirby, Ted Madl and Dustin Baker. Baldwin City staff present: Ed Courton, Community Development Director and Mattie Robertson Administrative Assistant Public Utilities Building. Commission member absent was Joe Salb.

Chairperson Dechant asked for a motion to approve the draft minutes of the regular meeting held on October 9, 2018 after Commission review. Mr. Madl made a motion and Mr. Baker seconded the motion to approve the minutes. The motion passed 4-0.

There being no unfinished business, Chairperson Dechant opened the public hearing to consider agenda item #1 under New Business:

To consider approval of a development for a dog park of +/- 2 acres. The site is located on property addressed as 1102 Main Street and situated north of N200 Road, east of Main street and west of Orchard Lane.

Ed Courton opened the public hearing by explaining the difference between a development plan and a conditional use permit. Mr. Courton also suggested that the Commission hear comments regarding both agenda items and then make separate motions afterward. Commission agreed. Mr. Courton stated that staff is requesting the Commission relax the hard surface standard for off-street parking and drive aisles for the dog park and staff has provided recommended conditions of approval. Mike Brungardt, chairman of the City's dog advisory committee, gave an overview of the dog park. The committee looked at several locations varying in size and infrastructure and then determined the proper amenities for the dog park. All potential sites have good and bad qualities about them. In August 2018, golf course representatives reached out to them about using the northwest corner of the existing golf course for a dog park. The site is the best location, as it is across from the train depot, a central location, and has direct road and pedestrian access. The committee believes everything on the site plan is achievable within the proposed \$65,000 project budget with the exception of protective netting. Amenities are proposed to include: a fenced 1.5 acre site with a four-foot high, vinyl-coating chain link perimeter fence; off-leash area will be divided into two sections, one for small dogs and one for large dogs; construction of a new parking lot and sidewalks; trash cans; benches; water fountain for dogs; preservation of adjoining trees for shade; operational rules and policies to be finalized later next year; and protective screen netting.

Chairman Dechant opened the public hearing to the public for comments. Jay Armbrister representative for the golf course, wanted to be available to answer questions and to get a feel as to how the public felt about the dog park. Susan Davis asked about the netting and if it would interfere with the golf course and people playing. Many of the comments are operational and will need to be addressed at a later date and before the dog park opened. Sharon Keeler was

concerned about the noise of the dogs barking. Garry Keeler was concerned about the entrance to the park and how it is very narrow and the trees create a blind spot for motorists. Mark Fletcher requested the City make sure the facility would be properly maintained.

Chairman Dechant closed the public hearing and asked for Commission questions. Mr. Madl asked how the golf course representative felt about the dog park. Jay Armbrister is okay with the project, as proposed. Mr. Madl inquired if the public had been notified prior to this meeting. Mr. Courton stated that there has been numerous meetings with the city council and committees along with online and written notices. Mr. Madl asked about the site location and vesting of the CUP. Mr. Courton said that the site location was carefully selected by a council member, dog advisory committee and input from golf course members. With respect to the CUP, the City can remove the park at any time or choose not to build it. If the CUP isn't vested, then after a year, the CUP will expire. Dustin Baker inquired about lighting for the dog park and how it would affect nearby residents at night. Mr. Courton stated the lighting would be next to the entrance and possibly in the parking lot. Since the facility is not open at night, the lighting should be minimized and low illumination. Matt Kirby asked several questions regarding prohibiting puppies, vaccinations, restrooms and netting. Mr. Courton answered the questions and stated the operational rules and policies are not finalized.

There being no further questions from the Commission, Mr. Kirby moved and Mr. Baker second to approve the development plan with one recommended condition of approval listed below:

1. Gravel or similar surface material(s) may be allowed for off-street parking and drive aisles, except for required paved off-street parking stalls and sidewalks pursuant to federal ADA requirements.

The motion passed 3-1 with Mr. Madl opposing.

Chairperson Dechant moved onto agenda item #2:

To consider a conditional use permit for a dog park of +/- 2 acres. The site is located on property addressed as 1102 Main Street and situated north of N200 Road, east of Main street and west of Orchard Lane.

Chairman Dechant asked the public for any additional comment and there being none asked for a motion to recommend approval of the conditional use permit with three recommended conditions of approval listed below:

1. Prior to opening dog park, the City Council shall approve the dog park operation rules and regulation procedures.
2. Dog park shall be in conformance with the Commission approved development plan.
3. Gravel or similar surface material(s) be allowed for off-street parking and drive aisles, except for required paved off-street parking stalls and sidewalks pursuant to federal ADA requirements.

Mr. Baker moved and Mr. Kirby seconded a motion to recommend to the city council the conditional use plan with the above conditions.

The motion carried 3-1 with Mr. Madl opposing.

Chairperson Dechant moved onto agenda item #3:

To consider amending the Zoning regulations to require two-car garages for residential dwelling units and to modify off-street parking materials and single-family residential minimum parking stall standards; and to add a new section to the Zoning Regulations regulating shipping containers in all zoning districts.

Mr. Courton stated the council could move forward on any of the three proposed zoning amendments. Mr. Courton gave a summary of the first amendment addressing shipping containers. Mr. Madl asked why containers could not be stacked in industrial districts. Mr. Courton clarified the proposed code would prohibit stacking in all commercial districts and not industrial. Mr. Courton then moved on to the three off-street parking amendments. Mr. Kirby was concerned about the loss of permeable surfaces, if we start requiring all hard surface parking. Mr. Baker requested that Mr. Courton formalize the amendments and bring them back next month for further consideration. Mr. Dechant asked Mr. Courton if he had any additional comments. Mr. Courton introduced Rob Culley as the Director of Public Utilities.

Seeing no further business, Chairperson Dechant stated he would entertain a motion to adjourn. Mr. Baker moved and Mr. Madl seconded a motion to adjourn the meeting at 8:23 pm. The motion passed 4-0.

Respectfully submitted by:

Mattie Robertson, Administrative Assistant

Chapter _____
SHIPPING CONTAINERS AND PERSONAL STORAGE UNITS

100 Definitions.

1. Shipping containers are any temporary structure that is a reusable, enclosed, semi-closed or open vessel, cargo container, or truck trailer which is used for the storage of freight, articles, goods, solid waste, personal belongs, commodities, or the like. Shipping containers consist primarily of a steel exterior, are manufactured to transport goods, and have external measurements of typically twenty (20) or forty (40) feet in length by eight (8) feet six (6) inches in height by eight (8) feet in width but can be smaller and still be defined as a shipping container.

Shipping containers include standardized reusable vessels that were:

- a. Originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or
- b. Originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms "transport containers" and "portable site storage containers" having a similar appearance to and similar characteristics of cargo containers; and/or
- c. For purposes of this chapter, cargo containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not accessory storage buildings.

Alternative definition: Shipping containers are a standardized reusable steel intermodal container commonly used for the storage and movement of materials and products in a global containerized freight transport system. Other names include container, storage container, freight contain, ISO container, cargo container, hi-cube container, conex box and sea can. "Intermodal" indicates that the container can be moved from one mode of transport to another. Shipping containers DO NOT include rail box cars, which were manufactured as an integral part of a vehicle, or which have or previously had permanently affixed wheels.

2. Personal storage units are a pre-fabricated unit, made of metal and/or wood, fully fabricated off-site and shall mean any container designed for the temporary storage of

property and are typically rented to occupants of property for their storage use, and are delivered and removed by truck and/or trailer. Furthermore, this unit is delivered to and retrieved from a home or business for long term off-site or on-site storage. Portable Storage On Demand or “PODS” are a familiar trade name for such containers. These containers are not on a chassis and do not have axles or wheels. The size of the unit shall not exceed 150 square feet, unless approved by the City.

200 Storage on residential use properties.

A. Shipping containers, personal storage units, railroad cars, truck vans, converted mobile homes, travel trailers, recreational vehicles, bus bodies, vehicles, and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not permitted to be used as accessory storage buildings on property zoned residential or on property the primary use of which is residential.

B. Notwithstanding the provisions set forth in subsection A of this section, the temporary placement of personal storage units on residentially zoned properties, or on properties the primary use of which are residential, excluding the RP-3 zoning district, for the limited purpose of loading and unloading household contents shall be permitted for a period of time not exceeding 60 days in any one calendar year. No more than one container is allowed to be placed on a single-family or two-family residential property.

C. Notwithstanding the provisions set forth in subsection A of this section, a property owner, in any residentially zoned district, may use a shipping container for the temporary location of equipment and/or materials storage structure during construction which is taking place on the property where a shipping container is located, if the use of the shipping container is authorized pursuant to an active building permit. Such container must be removed from site prior to final inspection of the building permit or certificate of occupancy.

D. Notwithstanding the provisions set forth in subsection A of this section, personal storage units shall not be placed on rights-of-way, any drainage or utility easements or in any manner that creates a traffic visibility obstruction as determined by the City.

E. Notwithstanding the provisions set forth in subsection A of this section, personal storage units shall be placed on a hard surface, gravel or other city-approved surfaces free and clear of grass, weeds and other vegetation. All such units must be capable of sustaining vehicle

300 Shipping containers – Permitted locations.

The placement of a shipping container as an accessory storage use are limited to commercial and industrial zoning districts. Development Plan approval in accordance with Chapter 19 is required for the CP-4 zoning district.

400 Permit required – Development standards.

A. A building permit is required in all commercial and industrial zoning districts prior to placement of a shipping container, ensuring effective anchoring/foundation according to the then most current edition of the International Building Code. The application shall show the proposed shipping container is accessory to the permitted use of the property and meets the placement criteria for the underlying zoning district.

B. Shipping containers shall meet the setback requirements of the underlying zoning district.

C. Shipping containers shall not be stacked above the height of a single container device, except for placement within industrially zoned districts.

D. Shipping containers shall not be used for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing. The exterior color shall be similar and compatible with the primary building and adjacent structures.

E. As a condition of placement, shipping containers shall be required to be fenced or screened from abutting properties and/or rights-of-way pursuant to the provisions of the zoning regulations.

F. Shipping containers shall not occupy required off-street parking, loading or landscaping areas.

G. Shipping containers may only be used for the storage of materials that are incidental to the primary use on the site. No storage of hazardous or flammable materials are allowed. Materials stored within shipping containers are subject to review and approval by the fire department.

H. Under no circumstance shall a container be used for human or animal habitation.

I. No shipping container shall be placed on a lot which does not contain a principal structure, unless such lot is adjacent to and under the same ownership as a lot with a principle structure.

J. The maximum size and height of the shipping container shall be 8.5 feet and 1,360 cubic feet (8x8.5x20) respectively.

K. Graffiti shall be removed within 48 hours.

L. Shipping containers may be placed in the front yard setback for seasonal sales or a temporary use for no more than 90 days per calendar year. The placement shall not create a traffic visibility obstruction as determined by the City.

M. Shipping containers shall not be placed on rights-of-way, any drainage or utility easements or in any manner that creates a traffic visibility obstruction as determined by the City.

500 Current violations – Time to comply.

All owners of property within the city shall have 120 days from the effective date of the ordinance codified in this chapter to bring the properties, which currently contain accessory storage buildings that are in violation of the terms of this chapter, into full compliance with the provisions of this chapter. *{Or should the City allow existing ones to remain??}*

600 Conflicts.

In the event any conflict exists between the provisions of this chapter and other currently existing provisions of the Code of the City of Baldwin City, Kansas or other ordinances of the city, the terms and provisions of this chapter shall take precedence and to the extent of any such conflict, the terms and conditions of any existing provisions of the Code of the City of Baldwin City, Kansas or other ordinances of the city shall be and hereby are amended insofar as necessary to conform to the provisions of this chapter.

18.61.080 Violations – Penalties.

Violation of this chapter shall be enforced pursuant to the procedures and penalties set forth in Code of the City of Baldwin City, Kansas as the same exists now or may hereafter be amended.

Published in _____ on the _____ day of _____, 2017

ORDINANCE NO _____

AN ORDINANCE AMENDING ZONING ORDINANCE #1247 OF THE CITY OF BALDWIN CITY, KANSAS AND AS SET FORTH IN CHAPTER 16 OF THE MUNICIPAL CODE OF THE CITY OF BALDWIN CITY, KANSAS, BY AMENDING ARTICLE 25 AND ADDING A NEW ANNOTATION (8) AND AMENDING ARTICLE 25 AND AMENDING SECTION 21-10, COLUMNZ 1 AND, CITY OF BALDWIN CITY, KANSAS, DOUGLAS COUNTY, KANSAS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BALDWIN CITY, KANSAS, THAT:

SECTION 1

Zoning Ordinance #1247 of the City of Baldwin City, Kansas, and as set forth in Chapter 16 of the Municipal Code of the City of Baldwin City, Kansas be and the same is hereby amended as follows:

1. Shipping Container Ordinance – New Section 26-112 “Shipping and Cargo Containers”. (WILL INSERT AFTER PLANNING COMMISSION APPROVAL)
2. Article 25, Section 21-105 (8) is hereby amended and a new annotation (8) is added as follows:

“All required off-street parking and access drives in residential districts shall be paved. Also, all other areas devoted to off-street parking or providing access to approved accessory buildings on residential properties may be graveled if required off-street parking is paved and/or existing parking and access drives are graveled.

3. Article 25, Section 21-10, Columns 1 and 2, “One-family dwellings” is hereby modified by the following text:

“One-family dwelling 2 per dwelling unit”

SECTION 2 EFFECTIVE DATE OF ORDINANCE. This Ordinance shall take effect on its passage and upon its publication as required by law.

Passed by the City Council this ____ day of _____, 201__.

Casey Simoneau, Mayor

ATTEST: _____
Laura E. Hartman, City Clerk

(Approved as to Form):

Blake Glover, City Attorney