

**MEETING AGENDA**  
**ATCHISON PLANNING COMMISSION/BOARD OF ZONING APPEALS**  
**Wednesday, September 1, 2010, 4:30 p.m.**  
**Commission Room, City Hall**  
**515 Kansas Ave., Atchison, Kansas**

1. Call to order.
2. Minutes of the special meeting of August 18, 2010.  
*Action: Consider approving the minutes of the Aug. 18, 2010 meeting.*
3. Hearings.  
None.
4. Old Business.
  - A. Revised site plan for Paolucci's Restaurant.  
*Action: Consider approving the revised site plan for Paolucci's Restaurant.*
5. New Business.
  - A. Applications for variance on height restrictions to install wind turbines at 1610 N. 2<sup>nd</sup> Street and 1201 State Highway 7; application for variance on signage for McDonald's Restaurant, 118 S. 8<sup>th</sup> Street.  
*Action: Direct staff to schedule public hearings for the October 6, 2010 regular meeting.*
6. Communications.
7. Off Agenda Items.
8. Adjournment.

**ATCHISON PLANNING COMMISSION MEETING  
CITY HALL, ATCHISON, KANSAS  
AUGUST 18, 2010**

MEMBERS PRESENT: Planning Commissioners Melanie Brungardt, Mike Farrell, Blaine Holder, Gary Kearney, Jr., and Mike Purcell. Commissioner Dana Davis arrived later in the meeting.

OTHERS PRESENT: Public Works Director Gary Heer, City Attorney J. David Farris, Zoning Officer Rick Fay, Administrative Secretary Kathryn Soph, City Manager Trey Cocking, and others.

1. CALL TO ORDER:

Vice Chairman Purcell called the meeting to order at 4:30 p.m.

2. ELECT CHAIRPERSON AND VICE-CHAIRPERSON FOR AUG. 2010 THROUGH JULY 2011:

Commissioner Purcell was elected chairperson, and Commissioner Brungardt was elected vice-chairperson.

3. MINUTES OF THE REGULAR MEETING OF JULY 7, 2010.

The minutes were approved as presented.

4. HEARINGS.

None.

5. OLD BUSINESS.

None.

6. NEW BUSINESS.

A. SITE PLAN FOR UNIT RAIL-ARMSTEAD RAIL COMPANY, INC. – NEW LAB ADDITION AND RAIL CANOPY:

Mr. Fay said Unit Rail wishes to construct a roof to protect hopper cars from the elements, and a separate addition for a new testing lab. There will be on-site test wells to insure they are not discharging any contaminants to the public sewer system.

Commissioner Brungardt moved to approve the site plan for Unit Rail-Armstead Rail Co., Inc., seconded by Commissioner Kearney. The motion carried 5-0.

Commissioner Davis arrived at the meeting at this time.

B. SITE PLAN FOR PAOLUCCI'S RESTAURANT:

Mr. Fay said Paolucci's is proposing an open air balcony on the east side of the building to allow patrons to smoke and comply with the new State law. They have submitted a preliminary site plan to get feedback on the plan. This will not provide any additional seating on the second floor because no additional exit is being provided. The City has two issues with this proposal: the balcony is being built over street right-of-way and the owners need to enter into an agreement with the City; and protecting the balcony from vehicle damage.

Commissioner Kearney asked if there will be solid floors on the balcony and will there be protection from someone throwing cigarettes, etc. over the balcony. Commissioner Holder expressed concern about bottles, cigarettes, etc. being thrown onto cars below.

Ed Begley, manager of Paolucci's Lounge, said they planned a solid floor on the balcony with a drain to run to the alley. They plan a high railing, possible wrought iron, to keep anything from being thrown off. They could

put up some type of netting, if that is required. Commissioner Holder said he would like to see that added to the site plan.

Commissioner Brungardt moved to approve the site plan for Paolucci's Restaurant, contingent upon an agreement with the City on the sewer and further drawings and SHPO approval. Commissioner Kearney seconded the motion. The motion carried 6-0.

C. PROPOSALS FOR PURCHASING THE FORMER NATIONAL GUARD ARMORY PROPERTY:

City Manager Cocking noted that the City Commission received proposals for purchase of the Armory property. Due to the zoning of the property (single-family residential), the property would need to be rezoned for any of the uses proposed. He asked the Planning Commission to consider whether any of the uses proposed would be unacceptable due to zoning. He gave a brief summary of each proposal, copies of which were provided to the Planning Commissioners.

Commissioner Holder said he felt the Highland Community College diesel mechanic program was the best fit for the community. He didn't feel retail businesses would fit the neighborhood. He was not in favor of establishments serving alcohol.

Commissioner Farrell felt the American Legion and mixed martial arts proposals would not be a good fit. He had no problem with the other proposals.

Commissioner Brungardt made a motion to determine that only negative proposals would be the community events center and the American Legion, seconded by Commissioner Holder. The motion passed by a vote of 6-0.

D. CERTIFICATE OF APPRECIATION TO MICHAEL MCCLOSKEY:

Commissioner Holder moved to adopt a resolution expressing appreciation to Michael McCloskey for his service on the Planning Commission/Board of Zoning Appeals. Commissioner Brungardt seconded. The motion carried by a 6-0 vote.

7. COMMUNICATIONS:

None.

8. OFF AGENDA ITEMS:

Mr. Fay said an application was received for a variance to install a LED sign for McDonald's Restaurant. The applicant asked if the Planning Commission would consider a special meeting to get the sign in before winter. The Planning Commissioners replied no, the applicant will need to wait until the regular October meeting.

9. ADJOURNMENT:

The meeting adjourned at 5:04 p.m.

# Planning Commission Action Report

**Title:** 115 South 3rd – Site Plan

**Proposed Agenda Date:** August 27, 2010

**Presented by:** Rick Fay, Zoning Officer/ Building Official

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## **BACKGROUND:**

- Paolucci's wishes to add a second story balcony facing third street; and
- The two story balcony would be built into the public right of way and wishes to extend up to 4 feet horizontally beyond the building line that was approved at the August 18, 2010; and
- Balconies are permitted in International Building Code 2003 Section 3202.3.2; and
- State Historic Preservation Officer has given their consent; and
- 115 S 3 is zoned B-4.

## **FINANCIAL CONSIDERATIONS:**

- No cost to city.

## **LEGAL CONSIDERATIONS:**

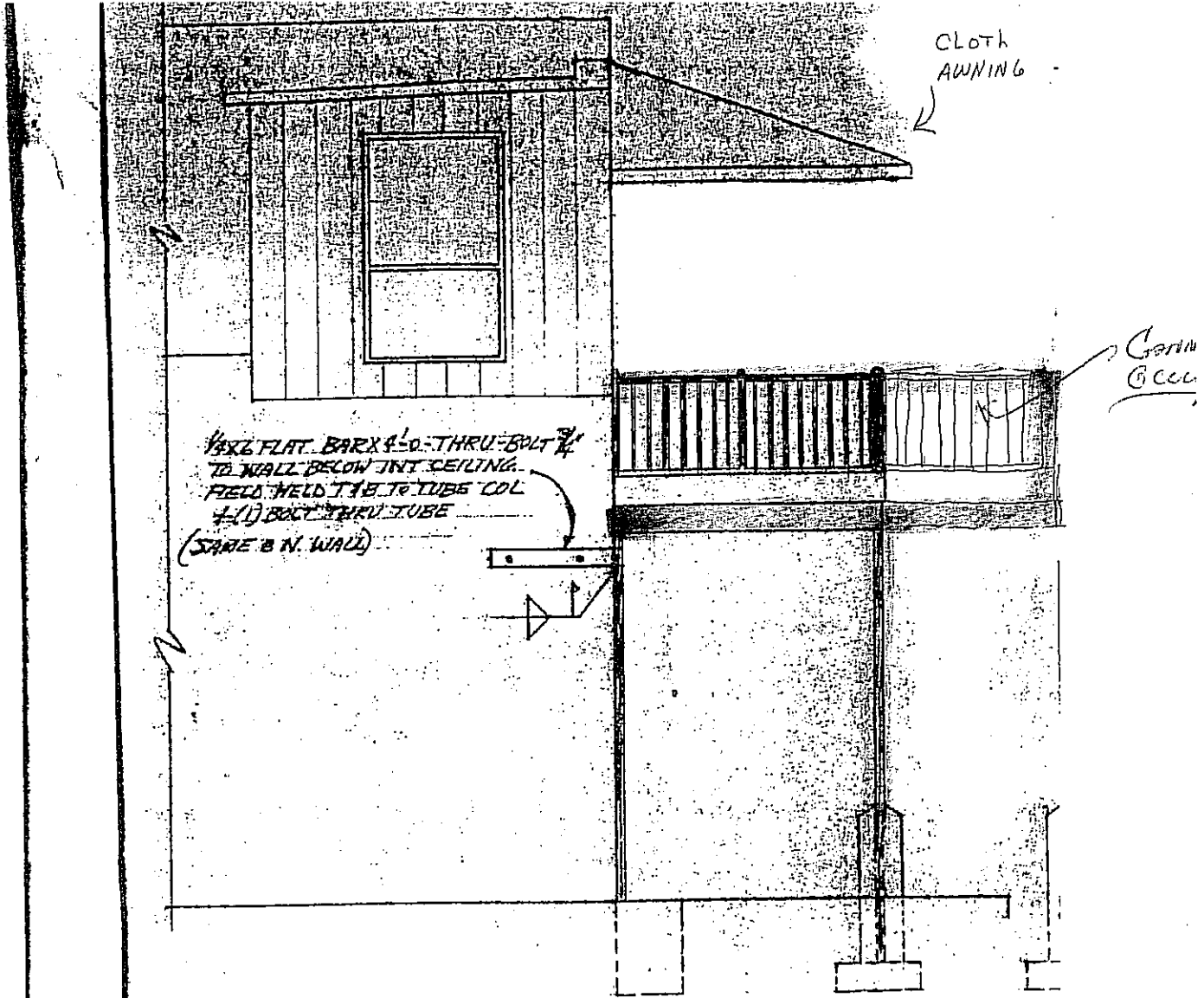
- New commercial construction within Atchison requires Planning Commission Approval per Zoning Regulation 726.1.

## **POLICY CONSIDERATION:**

- Planning Commission has been given the authority for site plan approval and consideration for any code variances.

## **RECOMMENDED ACTION:**

- Approve Site Plan conditioned upon meeting any criteria found during the site plan review.



SOUTH ELEVATION

1/4" = 1'-0"

# KANSAS

KSR&C No. 10-08-160

Kansas Historical Society  
Jennie Chinn, Executive Director

MARK PARKINSON, GOVERNOR

August 23, 2010

Bill Weinmann  
Building Inspector  
City of Atchison  
515 Kansas Avenue  
Atchison KS 66002

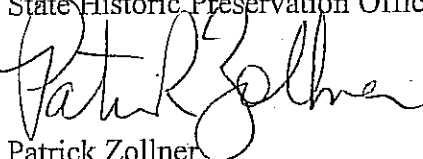
RE: New Front Deck for 115 S. 3<sup>rd</sup>, Atchison  
Atchison County  
Within the Environs of the Wherrett-Mize Drug Company Building

Dear Mr. Weinmann:

We have reviewed the materials received August 20, 2010, regarding the above-referenced project in accordance with the state preservation statute K.S.A. 75-2724. The law requires the State Historic Preservation Officer (SHPO) be given the opportunity to comment on proposed projects affecting historic properties or districts. The SHPO has determined the proposed project will not encroach upon, damage, or destroy any listed historic property or its environs. As far as this office is concerned, the project may proceed.

Please refer to the Kansas State Review & Compliance number (KSR&C#) listed above on any future correspondence. If you have any questions concerning this review, please contact Kim Norton Gant at 785-272-8681, ext 225.

Sincerely,  
Jennie Chinn  
State Historic Preservation Officer



Patrick Zollner  
Director, Cultural Resources Division  
Deputy State Historic Preservation Officer

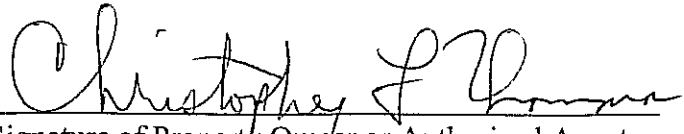
APPLICATION FOR APPEAL  
BOARD OF ZONING APPEALS  
\$50.00 application fee

1. Application No. \_\_\_\_\_ Date Filed 8-25-10 Hearing Date 10/6/2010
2. Applicant's Name Dr. John Browney / % Chris Thompson
3. Applicant's Address 1610 N. 2nd St.
4. Telephone Number (Home) \_\_\_\_\_ (Business) 913-367-5020
5. Present Owner's Name John Browney
6. Present Zoning R-1
7. Description of Property:  
Street Address \_\_\_\_\_  
Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Metes & Bounds Description (if not platted) - See attached -
8. Present Use of Property Residential  
 Conforming       Non-Conforming
9. Desired Use of Property one story duplex  
 Conforming       Non-Conforming
10. Proposed Additions, Alterations or Special Use Permit \_\_\_\_\_
11. List Reasons for Request  
Install 42' Wind Turbine - 35' allowed  
Requesting height variance
12. List Exhibits or Plans Submitted Site plan

Christopher L Thompson  
Signature of Property Owner or Authorized Agent

**APPLICATION FOR APPEAL  
BOARD OF ZONING APPEALS  
\$50.00 application fee**

1. Application No. \_\_\_\_\_ Date Filed 8-25-10 Hearing Date 10/6/2010
2. Applicant's Name Connie & Wayne Hale % Chris Thompson
3. Applicant's Address 1201 St. Hwy #7
4. Telephone Number (Home) 913-367-3074 (Business) NA
5. Present Owner's Name Wayne & Connie Hale
6. Present Zoning R-1
7. Description of Property:  
Street Address 1201 St. Hwy #7  
Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Metes & Bounds Description (if not platted) see attached
8. Present Use of Property Residential  
 Conforming                      Non-Conforming
9. Desired Use of Property one story duplex  
 Conforming                      Non-Conforming
10. Proposed Additions, Alterations or Special Use Permit \_\_\_\_\_
11. List Reasons for Request  
install 42' Wind Turbine - 35' allowed  
Requesting height variance
12. List Exhibits or Plans Submitted Site plan

  
Signature of Property Owner or Authorized Agent

APPLICATION FOR APPEAL  
BOARD OF ZONING APPEALS  
\$50.00 application fee

1. Application No. \_\_\_\_\_ Date Filed 8/10/2010 Hearing Date 10/6/2010
2. Applicant's Name JAMES M. NORTH - SIGN-A-RAMA
3. Applicant's Address 11050 Quivira Rd. Overland Park, KS 66210
4. Telephone Number (Home) 913 558-1174 (Business) 913 451-7446
5. Present Owner's Name Thomas Dobski
6. Present Zoning B-4
7. Description of Property:  
Street Address 118 S. 8<sup>th</sup>  
Lot 13-24 Block 4 Subdivision LL Chaliss Addition  
Metes & Bounds Description (if not platted) LOT W 150.0 Depth 294.5  
Irregular Section 6 Township 6 Range 21E
8. Present Use of Property M<sup>c</sup> Donald's Restaurant  
 Conforming                      Non-Conforming
9. Desired Use of Property ~~one story duplex~~ M<sup>c</sup> Donald's Restaurant  
 Conforming                      Non-Conforming
10. Proposed Additions, Alterations or Special Use Permit Remove existing Neader board - replace with LED sign
11. List Reasons for Request  
Existing and proposed signage exceeds 150sf allowed by current code
12. List Exhibits or Plans Submitted ~~Site plan~~ Photo of existing pole sign and proof of proposed changes

James M. North  
Signature of Property Owner or Authorized Agent