

PLANNING COMMISSION MEMO

DATE: 5/1/2020

SUBJECT: Zoom meetng

ORIGINATING DEPARTMENT: Planning Commission

RECOMMENDATION:

We will be meeting in the Sutter room (to maintain social distancing) and via Zoom for those wanting to restrict their public interactions or who are in self-quarantine. Below is the invitation for the Zoom meeting.

Topic: City of Beloit Planning Commission

Time: May 6, 2020 05:30 PM Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87913952105>

Meeting ID: 879 1395 2105

Password: 620225

Dial by your location

+1 312 626 6799 US

Meeting ID: 879 1395 2105

Password: 620225

Respectfully submitted,
Jason Rabe
City Administrator



City of Beloit Planning Commission Agenda

Wednesday, May 6, 2020
5:30 p.m.



1. CALL TO ORDER
 - A. Roll Call
 - B. Pledge of Allegiance
2. FORMAL ACTION
 - A. Minutes of the March 3, 2020 Planning Commission Meeting.
3. PUBLIC HEARING
 - A. C-448 Change of Zoning Classification for Dunstan Trucking & Dunstan Waste Solutions, LLC
 - B. C-449 Conditional Use Permit for Dunstan Trucking & Dunstan Waste Solutions, LLC
4. ADJOURNMENT

NOTE: Background information is available for review in the City Hall prior to the meeting.

Beloit Planning Commission Minutes
March 3, 2020

The Planning Commission met in the Beloit Municipal Building.
Kathy Roberts called the meeting to order at 5:30 p.m.

- I. Call to order:
 - Roll call: Kathy Roberts, Edith Hulett, Erick Clark & Jason Rinaldo were present. Melody Huff was absent. Also present for the meeting were Shelli Anderson Planning Commission Secretary, Jason Rabe City Manager and Katie Schroeder City Attorney.

- II. Formal Action:
 - A. Clark moved to approve the minutes from the February 3, 2020 meeting. Hulett seconded the motion and the minutes were approved 4-0.

- III. Work Session:
 - A. The planning commission revisited the current zoning map noting changes that could be potentially rezoned. Schroeder noted potential changes and stated that each property owner would need to be contacted individually in regards to changing the zoning classification.
 - B. Historical Society was annexed, need to have added to zoning map along with zoning classification.
 - C. It was also noted that the corner of Hwy 24 and Asherville Road, Boden's Grain Bin and NCK Dance (all on Asherville Road) were colored on map depicting them as in the city limits, they are not. These areas will need corrected.
 - D. Planning commission members asked to have an updated version of map

- IV. Adjournment:
 - A. Clark moved to adjourn, Rinaldo seconded the motion and it carried 4-0; the meeting adjourned at 6:22 p.m.

Shelli Anderson
Planning Commission Secretary

PLANNING COMMISSION MEMO

DATE: 5/1/2020

SUBJECT: Change of Zoning and Conditional Use permit

ORIGINATING DEPARTMENT: Planning Commission

RECOMMENDATION:

Dunstan Trucking LLC dba Dunstan Waste Solutions LLC, located at 3075B KS Hwy 9 in Beloit, Kansas, submitted a request to change the zoning classification to I-2 (Heavy Industrial District) to continue to operate their transfer station while meeting requirements set forth by KDHE. The property is currently zoned as C-2 (General Commercial District). As stated in our current zoning regulations, Chapter 7 section 702, the operation of a recycling center is allowing by conditional use. Dunstan's have also submitted an application to apply for a conditional use permit for their operation.

Respectfully submitted,
Jason Rabe
City Administrator

This is an application for change of zoning classification. The form must be completed and filed at the office of the city clerk in accordance with directions on the accompanying instruction sheet.

AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

Name of applicant or applicants (owner(s) and/or their agent or agents). All owners of all property requested to be rezoned must be listed in this form.

Applicant/Owner Eric Dunstan
Address 503 N. Broadway Phone 785-738-8275
Agent Business-Dunstan Trucking & Dunstan Waste Solutions LLC
Address _____ Phone _____

Applicant/Owner Tyler Dunstan
Address 3085 US HWY 24 Phone 785-738-8273
Agent Business-Dunstan Trucking & Dunstan Waste Solutions LLC
Address _____ Phone _____

Applicant/Owner Todd Dunstan
Address 121 N. Lincoln Phone 785-738-8274
Agent Business-Dunstan Trucking & Dunstan Waste Solutions LLC
Address _____ Phone _____

2. The applicant hereby requests a change of zone from C-2 zoning district to zoning district for property legally described as Lot(s) _____ in Block(s) of the _____ Addition.

3. This property is located at (physical address) 3075 B KS HWY 9 (formerly 617 Reiter Lane)
The general location is (use appropriate section) at the _____ (NW, NE, SW, or SE) corner of _____
On the _____ (N, S,E,W) side of (Street) or, (Ave/Street)
_____ (Ave/Street) and _____ (Ave/Street).

** See property description attached*

Street) and Between

(Metes and bounds descriptions, if available, shall be provided in the space below or on an attached sheet)

I request this change in zoning for the following reasons: We are needing to be considered as an industrial site rather than commercial purposes.

4. I (We), the applicant(s), acknowledge receipt of the instruction sheet explaining the method of submitting this application. I (We) realize that this application cannot be processed unless it is completely filled in; is accompanied by an ownership list as required in the instruction sheet; and is accompanied by the appropriate fee.



(Owner)



(Owner)

By _____
Authorized Agent (if any)

By _____
Authorized Agent (if any)

6. **OFFICE USE ONLY:**

This application was received at the office of the city clerk on the _____ day of _____ 20____.
It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$50.00.

Zoning Administrator

APPLICATION FOR CONDITIONAL USE PERMIT

This is an application for conditional use permit. The form must be completed and filed at the office of the city clerk in accordance with directions on the accompanying instruction sheet.

AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

1. Name of applicant or applicants (owner(s) and/or their agent or agents). All owners of all property effected by the conditional use permit must be listed in this form.

Applicant/Owner Dunstan Trucking LLC/Dunstan Waste Solutions LLC

Address 3075 B KS HWY 9 (formerly 617 Reiter Ln) Phone 785-738-8275

Agent _____

Address _____ Phone _____

Applicant/Owner _____

Address _____ Phone _____

Agent _____

Address _____ Phone _____

2. The applicant(s) hereby request(s) a conditional use permit for property legally described as:
Lot(s) (see attached property deed and variance report) of _____
Block(s) _____ of the _____
_____ Addition.

Metes and bounds descriptions shall be provided in the space below or on an attached sheet if available.
(see attached property deed and variance report)

3. This property is located at (physical address) 3075 B KS HWY 9 (formerly known as 617 Reiter Ln)

The general location is (use appropriate section):

On the SE 1/4 of Section 33 (N, S, E, W) sides of T6S (Ave/Street)

Between R7W (Ave/Street) and 6th PM (Ave/Street).

4. I request this conditional use permit for the following reasons: _____

We cannot remove a full roll off container from a truck and load it onto a trailer to be shipped to the landfill without this zoning.

If we unload a load of recyclables and we discover "contaminated" materials we cannot remove the contaminated materials and put them into another container without the proper zoning.

(a) The request is consistent with all applicable provisions of the comprehensive plan.

We are finishing construction of a building where this operation would occur.

(b) The request shall not adversely affect adjacent property owners.

Everything would be contained on our property.

(c) The request is compatible with the existing or allowable uses of adjacent properties.

Everything would operate in the same manner.

(d) The request can demonstrate that adequate public facilities, including roads, drainage, potable water, and sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.

We are within the call limits of police and fire protection with the City of Beloit. We also have proper roads, drainage, and sewer lines set up.

(e) The request can demonstrate adequate provision for maintenance of the use and associated structures.

We are capable of maintaining the structure and use of the building and property.

(f) The request has minimized, to the degree possible, adverse effects on the natural environment.

This would allow protection of the natural environment by having properly constructed concrete, drainage, and sewage.

(g) The request will not create undue traffic congestion.

The operation would have no affect on traffic whatsoever.

(h) The request will not adversely affect the public health, safety or welfare.
It would be privately owned and operated and regulated by KDHE.

(i) The request conforms to all applicable provisions of this code.
We have and will continue to conform to all provisions of the code. Changing from commercial to industrial
allows us to have the proper conditions to park and utilize our refuse and recycling trucks and containers.

5. Authority:
Eric Dunstan
(Owner)

Lisa Dunstan
(Owner)

By _____
Authorized Agent (if any)

By _____
Authorized Agent (if any)

OFFICE USE ONLY:

This application was received at the office of the city clerk on the ____ day of _____ 20____.
It has been checked and found to be complete and accompanied by required documents and the
appropriate fee of \$50.00 is waived.

Zoning Administrator

GENERAL WARRANTY DEED

Donald D. Heiland, Sr. and Carol J. Heiland, husband and wife, and Donald D. Heiland, Jr. and Debra K. Heiland, husband and wife

CONVEY AND WARRANT TO

Eric Dunstan and Lisa Dunstan, husband and wife

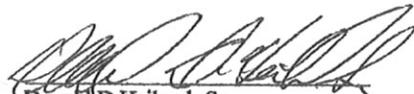
the following described REAL ESTATE in the County of Mitchell, and the State of Kansas, to-wit:

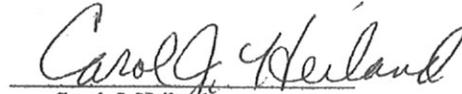
A tract of land in the Southeast Quarter (SE ¼) of Section Thirty-three (33), Township Six South (T6S), Range Seven West (R7W) of the 6th PM, Mitchell County, Kansas, more particularly described as follows: Commencing on the South Line of the Southeast Quarter of Section 33, Township 6 South, Range 7 West at a point 871.90 feet east of the Southwest Corner of said Southeast Quarter; thence northerly at a right angle to said South Line, 39.92 feet to a point on the Northerly Right-of-Way (ROW) Line of K-9; thence northerly on a projection of last course a distance of 298.68 feet; thence westerly parallel with said South Line, 181.88 feet to the POINT OF BEGINNING; thence northerly on a deflection angle to the right of 90°00'00", a distance of 288.40 feet to a point 627 feet north of said South Line; thence westerly parallel with the said South Line 359 feet, more or less, to a point 331 feet east of the West Line of said Southeast Quarter; thence southerly parallel with the said West Line, 288.4 feet to a point 338.60 feet north of the said South Line; thence easterly parallel with the said South Line, 359 feet, more or less, to the Point of Beginning, containing 2.4 acres.

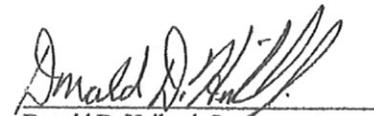
except easements and restrictions of record,

for the sum of One Dollar and Other Good and Valuable Consideration.

Dated: November 18, 2004


Donald D. Heiland, Sr.


Carol J. Heiland


Donald D. Heiland, Jr.


Debra K. Heiland

STATE OF KANSAS, MITCHELL COUNTY SS.
Filed for record this 6th day of June A.D. 2005 at 11:05 o'clock A. M. and duly recorded in Book 119 of Deeds Page 539-540
Judy Pettijohn Register of Deeds
Fee \$ 12.00 Jami Eck, Deputy

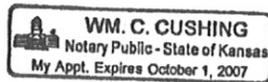
Entered in Transfer record in my office this 7th day of June A.D. 2005
[Signature]
COUNTY CLERK

GENERAL WARRANTY DEED

STATE OF KANSAS,
 SS:
 OSBORNE COUNTY,

BE IT REMEMBERED, That on this 1 day of December, 2004, before me, the undersigned, a notary public in and for the County and State aforesaid came Donald D Heiland, Sr. and Carol J. Heiland are personally know to me to be the same persons who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my seal, the day and year last above written.



Wm. C. Cushing
 Wm. C. Cushing, Notary Public

STATE OF KANSAS,
 SS:
 SHAWNEE COUNTY,

BE IT REMEMBERED, That on this 26th day of November, 2004, before me, the undersigned, a notary public and for the County and State aforesaid came Donald D. Heiland, Jr. and Debra Heiland, who are personally know to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my seal, the day and year last above written.



Barent L. Raye
 Notary Public

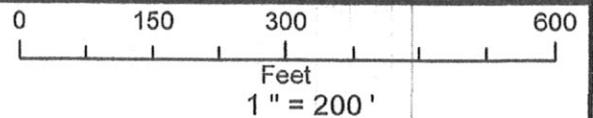
VARIANCE REPORT

ID	ADDRESS	OWNER	MAILING ADDRESS	CITY	STATE	ZIP
R302565	617 REITER LANE-BCITY, Beloit, KS 67420	DUNSTAN, ERIC & LISA	503 N BROADWAY <null>	BELOIT	KS	67420
R443	00000 PLUM CRK, Beloit, KS 67420	EILERT, JOHN A	1976 KS 14 HWY <null>	BELOIT	KS	67420
R454	3047A US 24 HWY-B CITY, Beloit, KS 67420	REITER, JAMES H TRUST #2	P O BOX 424 <null>	BELOIT	KS	67420
R455	3053A US 24 HWY-B CITY, Beloit, KS 67420	HEILAND, MICHAEL E & AMBER D	515 N MONROE ST <null>	SMITH CENTER BELOIT	KS	66967
R456	617 REITER LANE-BCITY, Beloit, KS 67420	DUNSTAN, ERIC & LISA	503 N BROADWAY <null>	BELOIT	KS	67420
R457	3053B US 24 HWY-B CITY, Beloit, KS 67420	PLMR 1 LLC	P O BOX 1527 <null>	FRAMINGTON AR	AR	72730
R458	3075A KS 9 HWY-B CITY, Beloit, KS 67420	CHURCH, CALVARY BAPTIST	P O BOX 612 <null>	BELOIT	KS	67420
R459	1935 310 RD-PLUM CRK, Beloit, KS 67420	KOLARIK, DOROTHY A TR	1935 310 RD <null>	BELOIT	KS	67420
R460	00000 PLUM CRK, Beloit, KS 67420	KOLARIK, DOROTHY A TR & KOLARIK, JOHN F TR	1935 310 RD <null>	BELOIT	KS	67420



This property ownership map was prepared by the Mitchell County Appraiser's Office. It is for tax purposes only and is NOT intended for conveyances, nor is it a legal survey. Mitchell County makes no implied warranties or guarantees that above information is accurate or correct. It is the best approximation of the information that is on file at this time.

Date: 3/19/2020



Coordinate System: StatePlane Kansas North
 Projection: Lambert Conformal Conic
 Datum: North American 1983
 Units: Foot US

