

**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
May 12, 2021**

The full recorded meeting can be found on the County's YouTube channel.

Meeting called to order at 6:00 pm

Pledge of Allegiance

Members present: Steve Rosenthal, Mark Denney, A.W. Himpel, Jeff Spink, John Matthews, Terry Barkoski, and Wolf Schmidt

Members absent: Alex DeMoro & Tom Dials

Staff present: Krystal Voth-Director, Stephanie Sloop-Planning Coordinator, Joshua Gentzler-Planner, David Van Parys-Senior County Counselor

Approval of Minutes:

Commissioner Matthews made a motion to approve the minutes from the previous Planning Commission. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 7/0 (2 absent)

Secretary's Report:

Krystal Voth gave the secretary's report, letting the commission know that there were several cases on the consent agenda, approval of the agenda would approve those cases. Ms. Voth also let them know that one item was being continued to the June meeting.

A motion was made by Commissioner Himpel to approve the agenda. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 7/0 (2 absent)

Declarations: No further declarations

Case DEV-21-034

Consideration of an application for a Special Use Permit for a commercial athletic field for a baseball training facility, located on Lot 1 of Madeline's Meadows a Subdivision in Leavenworth County, Kansas. Request submitted by Mr. and Mrs. Boden Also known as 25214 163rd Street (108-27-0-00-00-006.04)

Ms. Voth presented the facts and findings for the above request.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. Mr. and Mrs. Boden came up and explained how this use came to fruition. Chairman Rosenthal asked the applicants if they agreed with the conditions. The applicants agree with the conditions, minus paying to have a commercial permit, explaining that they don't feel it really is a commercial use.

Chairman Rosenthal asked the commission if they had any questions for the applicants. Commissioner Bartkoski asked several questions of the applicants. Chairman Rosenthal opened up the public hearing. Chairman Rosenthal asked if there were people wishing to speak in favor. One resident spoke in favor of the request. Chairman Rosenthal then asked if there were people present wishing to speak in opposition. Several residents spoke in opposition to this request. Chairman Rosenthal closed the public hearing.

With no questions or discussion from the rest of the commission, it was opened up to a motion.

Commissioner Bartkoski made a motion to approve Case DEV-21-034 amending the following conditions. Discussions were had about the conditions, the final motion made was to change the following conditions: the facility operates January through March, operations are limited to Monday – Friday 5 PM to 9 PM and Weekends 9 AM – 5 PM, parking limited to 10 vehicles, prior code to the operation of the facility the fire code requirements will be completed. Commissioner Spink seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 7/0 (2 absent)

The Board of County Commissioners will consider this item on **June 2, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

Any person wishing to file a protest petition must contact the Planning & Zoning Office. Protest petitions must be filed with Leavenworth County within two weeks of this meeting. To be valid, the protest petition must be signed by owners of 20 % of the land area in the notification area.

Case DEV-20-140

Consideration of an application for a rezoning request from B-3 to RR-5 zoning districts to B-3 zoning district on a tract of land located in the Northeast Quarter of Section 3, Township 9, Range 21 East of the 6th P.M. in Leavenworth County, Kansas.

Request submitted by Mr. Ledford

Also known as 00000 Springdale Road (112-03-0-00-00-007.01)

Ms. Voth presented the facts and findings for the above request. Ms. Voth reminded the board that this request was heard by them before and that the Planning Commission had voiced concern about the request and had stated that they would be more supportive if it was not a rezone of the entire parcel. Mr. Ledford is before them this evening with his request, having modified it based on feedback from the previous Planning Commission and Board of County Commissioners.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. Mr. Ledford came forward and explained his request and the modifications that he made from his original request.

Chairman Rosenthal asked if there was anyone that wished to speak in support of the request. Chairman Rosenthal asked if there was anyone wishing to speak in opposition. Several residents came forward to speak in opposition. Chairman Rosenthal closed the public portion of the hearing and asked if there was further discussion. Commissioners asked clarification questions from staff.

Commissioner Himpel made a motion to deny DEV-20-140, reasons for denying are that once it is zoned B-3 it allows more uses that he does not feel comfortable for in the character of the neighborhood. Commissioner Bartkoski seconded the motion.

ROLL CALL VOTE - Motion to deny passed, 4/3 (2 absent)

(Commissioner Denney voted no to deny based on other B-3 zoning being there, Commissioner Spink and Commissioner Matthews also voted no to deny)

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Case DEV-21-039

Consideration of an application for a rezoning request from RR-5 zoning districts to RR-2.5 zoning district on a tract of land consisting of a portion of the Southwest Quarter of the Northwest Quarter of Section 32, Township 09 South, Range 22 East of the 6th P.M. in Leavenworth County, Kansas.

Request submitted by Pine Ridge Partners

Also known as 00000 Seymore Road (109-32-0-00-00-004.02)

Mr. Gentzler presented the facts and findings for the above request.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. Mr. Riley came forward and explained his request and stated he felt this zoning fit the character of the neighborhood.

Chairman Rosenthal asked if there was anyone that wished to speak in support of the request. Chairman Rosenthal asked if there was anyone wishing to speak in opposition. Several residents came forward to speak in opposition. Chairman Rosenthal closed the public portion of the hearing and asked if there was further discussion.

Commissioner Himpel made a motion to approve DEV-21-039. Commissioner Matthews seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 7/0 (2 absent)

The Board of County Commissioners will consider this item on **June 2, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

Any person wishing to file a protest petition must contact the Planning & Zoning Office. Protest petitions must be filed with Leavenworth County within two weeks of this meeting. To be valid, the protest petition must be signed by owners of 20 % of the land area in the notification area.

Case DEV-21-033

Consideration of an application to consider Amendments to the 2006 Leavenworth County Zoning and Subdivision Regulations:

Article 3 – Definitions

Article 41 – Access Management

Article 43 – Cross Access Easements

Request submitted by Planning and Zoning

Mr. Voth started this portion of the meeting by offering clarification on this request. Ms. Voth explained the nature of wanting to define RVs. Planning and Zoning fields various questions and complaints about RVs and currently there are no regulations specific to RVs. Ms. Voth gave the staff report regarding Article 41 and Article 43 going through the reasoning for these amendments

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak in favor or opposition to this matter. Several residents spoke to voice their concern and opposition to Article 3. One resident came forward to speak on Article 41 and Article 43. Chairman Rosenthal closed the public hearing.

Discussion took place between the commissioners and staff.

It was the opinion of staff and the commission that we should table the definition about RVs and then have a separate vote on the other two proposed text amendments.

Commissioner Matthews made a motion to table the Article 3 – Definitions portion of this request. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to table passed 7/0 (2 absent)

Staff moved forward with discussion on Article 41 and Article 43. It was decided to change wording to delete "all efforts" and to read, a letter sealed by the designing engineer shall state that the roadway was built in accordance with the submitted plans.

Commissioner Matthews made a motion to approve Article 41 and Article 43 as modified. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 7/0 (2 absent)

The Board of County Commissioners will consider this item on **June 2, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

Meeting was adjourned at 8:45 p.m.