

**LEAVENWORTH COUNTY PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
November 9, 2022**

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

**The Planning Commission meeting was called to order at 5:30 p.m.**

**Pledge of Allegiance**

**Swearing in of new member: Doug Tystad**

**Members present:** Steve Rosenthal, William Gottschalk, Wolf Schmidt, Jeff Spink, Jaden Bailey, Marcus Majure, Doug Tystad, Alan Stork, and Steve Skeet

**Members absent:** Robert Owens

**Staff present:** Krystal Voth-Director, Amy Allison-Deputy Director, Josh Gentzler-Planner, Stephanie Sloop-Planning Coordinator, David Van Parys-Senior County Counselor

**Community present (that signed in):** Joseph Herring, Jared and Kaitlynn Schmalstieg, John Bradford, Dave Vodarick, Matt Groves, Gary Grun

**Minutes:**

*Commissioner Schmidt made a motion to approve the minutes. Commissioner Skeet seconded the motion.*

**ROLL CALL VOTE - Motion to approve the minutes passed, 5/0 (3 abstained, 1 absent)**

**Secretary's Report:**

Krystal Voth gave the secretary's report going over the agenda and discussed with the commission a date and time for an upcoming work session.

*Commissioner Schmidt made a motion to approve the agenda. Commissioner Majure seconded the motion.*

**ROLL CALL VOTE - Motion to approve the agenda passed, 8/0 (1 absent)**

**Case DEV-22-112 & 113 Preliminary and Final Plat for Groves Subdivision**

**Consideration of a Preliminary and Final Plat – Groves Subdivision on the following described property: A tract of land in Section 13, Township 12 South, Range 20 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.**

Amy Allison gave the staff report for the above-listed case.

Chairman Rosenthal asked if there were any questions from the board.

Chairman Rosenthal said that he would accept a motion if there were no further discussions.

**Commissioner Stork motioned to approve Case DEV-22-112 & 113 Preliminary and Final Plat Groves Subdivision. Commissioner Bailey seconded the motion.**

**ROLL CALL VOTE - Motion to approve passed 8/0 (1 absent)**

The Board of County Commissioners will consider this item no earlier than **November 23, 2022, at 9:00 A.M** in the Leavenworth County Courthouse.

**Case DEV-22-131 Rezone – Harris**

**Consideration of a Rezone from RR-5 to RR-2.5 on the following described property: A tract of land in the Southwest Quarter of Section 23, Township 10 South, Range 21 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas, more fully described in the published agenda.**

Krystal Voth gave the staff report for the above-listed case.

Chairman Rosenthal asked if there were any questions or discussions from the board. There was further discussion about this request between staff and the commission.

Chairman Rosenthal opened the public comment portion of the hearing and asked the applicant to come forward. Mr. Herring came forward to answer questions from the commission.

Chairman Rosenthal then asked if anyone wished to speak in favor or opposition to the case.

Chairman Rosenthal said he would accept a motion if there were no further discussions on this request.

**Commissioner Schmidt motioned to deny Case DEV-22-131 a Rezone from RR-5 to RR-2.5. Commissioner Gottschalk seconded the motion.**

**ROLL CALL VOTE - Motion to deny passed 7/1 (1 absent)**

**Commissioner Stork voted to approve, stating that this board approves 2.5-acre zoning frequently.**

The Board of County Commissioners will consider this item no earlier than **November 30, 2022, at 9:00 A.M** in the Leavenworth County Courthouse.

**Case DEV-22-140 Special Use Permit – RV, Car, and Boat Storage**

**Consideration of a Special Use Permit – Boat/RV/Car Storage (Indoor) on the following described property: A tract of land in the Northeast ¼ of Section 7, Township 11 South, Range 21 East of the 6<sup>th</sup> P.M., Leavenworth, Kansas.**

Krystal Voth gave the staff report for the above-listed case.

Chairman Rosenthal asked if there were any questions or discussions from the board.

Chairman Rosenthal opened the public comment portion of the hearing and asked the applicant to come forward. The applicant, Diana Larson, came forward to answer questions from the Commission. Ms. Larson responded to questions from the Commission and explained the nature of her request.

Chairman Rosenthal then asked if anyone wished to speak in favor or opposition to this request.

The board discussed adding additional conditions to the Special Use Permit. Chairman Rosenthal said that he would accept a motion if there were no further discussion.

**Commissioner Majure motioned to approve Case DEV-22-140, a Special Use Permit for an (Indoor) Boat/RV/Car Storage. Commissioner Stork seconded the motion.**

Following the motion and second, further discussion was had about the conditions and the submitted narrative. No changes were made to the motion.

**ROLL CALL VOTE - Motion to approve passed 8/0 (1 absent)**

The Board of County Commissioners will consider this item no earlier than **November 30, 2022, at 9:00 A.M** in the Leavenworth County Courthouse.

**Planning Commission adjourned at 6:25 p.m.**

**The Board of Zoning Appeals meeting was called to order at 6:26 pm**

**Members present:** Steve Rosenthal, William Gottschalk, Jeff Spink, Jaden Bailey, Marcus Majure, Doug Tystad, and Steve Skeet.

**Staff present:** Krystal Voth-Director, Amy Allison-Deputy Director, Josh Gentzler-Planner, Stephanie Sloop-Planning Coordinator, David Van Parys-Senior County Counselor

**Case DEV-22-127 Variance – Minimum Road Frontage**

**Consideration of an application for a Variance from Article 5, Section 4 of the Zoning and Subdivision Regulations on the following described property: The Northwest Quarter of Section 10, Township 9 South, Range 21 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.**

Josh Gentzler gave the staff report for the above-listed case, going over the parcel's history and how it came to its current state.

Chairman Rosenthal asked if there were any questions or discussion from the board.

Chairman Rosenthal opened the public comment portion of the hearing and asked the applicant to come forward. The applicants, Mr. and Mrs. Schmalstieg, came forward to answer questions from the Commission. They explained the nature of the request.

Chairman Rosenthal then asked if anyone wished to speak in favor or opposition for this case. Several residents came forward to speak in both support and opposition to this request. The public comment portion of the hearing was closed.

Chairman Rosenthal said if there were no further discussion, he would accept a motion.

**Commissioner Majure motioned to approve Case DEV-22-127, a Variance request for minimum road frontage. Commissioner Tystad seconded the motion.**

**ROLL CALL VOTE - Motion to approve passed 6/0**

**Case DEV-22-128 Variance – Minimum Road Frontage**

**Consideration of an application for a Variance from Article 5, Section 4 of the Zoning and Subdivision Regulations on the following described property: The Southwest Quarter of Section 19, Township 11 South, Range 21 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.**

Josh Gentzler gave the staff report for the above-listed case, reviewing the parcel's history.

Chairman Rosenthal asked if there were any questions or comments from the board.

Chairman Rosenthal opened the public comment portion of the hearing and asked the applicant to come forward. The applicant agent, Joe Herring, Herring Survey, came forward to answer questions from the Commission. Mr. Herring explained the nature of the request, also bringing up a regulation from the Board of County Commissioners that allowed property owners with a buildable status of parcel letter or building permit for a parcel to proceed with obtaining a variance that would bring the property into compliance.

Chairman Rosenthal then asked if anyone wished to speak in favor or opposition to this request.

Chairman Rosenthal said that he would accept a motion if there were no further discussion.

**Commissioner Bailey motioned to approve Case DEV-22-128, a Variance request for minimum road frontage. Commissioner Skeet seconded the motion.**

**ROLL CALL VOTE - Motion to approve passed 6/0**

**Case DEV-22-130 Variance – Minimum Parcel Size**

**Consideration of an application for a Variance from Article 5, Section 4 of the Zoning and Subdivision Regulation on the following described property: A tract of land in the Northwest Quarter of Section 31, Township 10, Range 21 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.**

Amy Allison gave the staff report for the above-listed case, reviewing the parcel's history.

Chairman Rosenthal asked if there were any questions or comments from the board. Commissioners asked for clarification from staff on a few details.

Chairman Rosenthal opened the public comment portion of the hearing and asked the applicant to come forward. The applicant agent, Joe Herring, Herring Survey, came forward to answer questions from the Commission. Mr. Herring gave additional information on how this tract came to have less than the minimum parcel size. A discussion was had between the commission, staff, and applicant about access points and road frontage.

Chairman Rosenthal then asked if anyone wished to speak in favor or opposition to this request. The property owners and their daughter came forward to state why they were seeking this variance and asked the board to grant it. The public comment portion of the hearing was closed.

A discussion was had among the board and staff. Chairman Rosenthal said that he would accept a motion if there were no further comments.

**Commissioner Bailey motioned to approve Case DEV-22-130, a Variance request for minimum parcel size. Commissioner Skeet seconded the motion.**

**ROLL CALL VOTE - Motion to approve passed 6/0**

**The meeting adjourned at 7:07 p.m.**