

**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
September 11, 2024**

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

Members present: Jeff Spink, Doug Tystad, Steve Skeet, Allan Stork, Marcus Majure, Dan Clemons, Jaden Bailey and Steve Rosenthal. (Absent: Gottschalk and Owens).

Staff present: John Jacobson-Director, Amy Allison-Deputy Director, Josh Schweitzer-Planner, Dawn Chamberlain-Planning Coordinator, Misty Brown-County Counselor

Minutes: Commissioner Tystad made a motion to approve the minutes and Commissioner Bailey seconded that motion.

ROLL CALL VOTE – Motion to the approve passed, 5/0 with one abstention (Skeet).

Secretary's Report: Amy Allison outlined the items on the agenda. One item is on the consent agenda and will be approved once the agenda is accepted. The Board of Zoning Appeals will convene after the Planning Commission so a quorum will need to remain.

Declarations: None

Approval of Agenda: Commissioner Stork made a motion to approve the Agenda and Commissioner Clemons seconded the motion.

ROLL CALL VOTE: Motion to approve the agenda passed. 7/0 (2 Absent)

**Case DEV-24-076 & 077 Preliminary & Final Plat Koch Acres
Consideration of a Preliminary & Final Plat for a Minor Subdivision in the Southeast Quarter of Section 02, Township 09 South, Range 20, East of the 6th P.M., in Leavenworth County, Kansas.**

Amy Allison gave the staff report for the above-listed case, outlining the details of the request.

Chairman Majure asked if there were any questions or discussions from the Board. Joe Herring, with Herring Surveying, addressed the Board, further explaining the nature of the request. Chairman Majure asked if there were any questions of the applicant. No questions were presented. Chairman Majure entertained a motion.

Commissioner Rosenthal made a motion to approve the exception for Lot-Width to Lot-Depth, Commissioner Tystad seconded the motion.

ROLL CALL VOTE: Motion to approve the exception passed, 7/0 (2 Absent).

Commissioner Rosenthal made a motion to approved the plat, seconded by Commissioner Bailey.

ROLL CALL VOTE: Motion to approve the plat passed, 7/0 (2 Absent).

**Case DEV-24-078 Preliminary Plat Cottages at Whistle Creek
Consideration of a Cross Access Easement Subdivision in the Northwest Quarter of Section 16, Township 12 South, Range 22, East of the 6th P.M., in Leavenworth County, Kansas.**

Amy Allison gave the staff report for the above-listed case, outlining the details of the request.

Chairman Majure asked if there were any questions or discussions from the Board. Joe Herring, with Herring Surveying, addressed the Board, further explaining the nature of the request. Chairman Majure asked if there

were any questions of the applicant. Commissioner Tystad asked about access for Emergency Services for the proposed private drive. Staff responded that due to the number of lots, engineered plans for the private drive will need to be provided with the final plat. The Engineer on record should include the needs of Emergency Services within the design plans. Chairman Majure entertained a motion for the exceptions.

Commissioner Rosenthal made a motion to approve the exception for a non-conforming structure , Commissioner Clemons seconded the motion.

ROLL CALL VOTE: Motion to approve the exception passed, 7/0 (2 Absent).

Commissioner Rosenthal made a motion to approved the exception for Lot-Width to Lot-Depth, seconded by Commissioner Clemons.

ROLL CALL VOTE: Motion to approve the exception passed, 7/0 (2 Absent).

Commissioner Rosenthal made a motion to approved the exception to Utility Easement Requirements, seconded by Commissioner Clemons.

ROLL CALL VOTE: Motion to approve the exception passed, 7/0 (2 Absent).

Commissioner Rosenthal made a motion to approved the plat, seconded by Commissioner Skeet.

ROLL CALL VOTE: Motion to approve the plat passed, 7/0 (2 Absent).

**Case DEV-24-080 & 081 Preliminary & Final Plat E&R Rolling Meadows North
Consideration of a Preliminary & Final Plat for a Minor Subdivision in the Southeast Quarter of Section 34, Township 11 South, Range 21, East of the 6th P.M., in Leavenworth County, Kansas.**

Amy Allison gave the staff report for the above-listed case, outlining the details of the request. Chairman Majure asked if the applicant would like to speak. Joe Herring with Herring Surveying, addressed the Board, further explaining the nature of the request. Chairman Majure asked if there were any questions for the applicant or staff. Seeing none, the Chairman entertained a motion.

Commissioner Tystad made a motion to approved the exception for Lot-Width to Lot-Depth, seconded by Commissioner Bailey.

ROLL CALL VOTE: Motion to approve the exception passed, 7/0 (2 Absent).

Commissioner Stork made a motion to approved the plat, seconded by Commissioner Clemons.

ROLL CALL VOTE: Motion to approve the plat passed, 7/0 (2 Absent).

**Case DEV-24-085 & 086 Preliminary & Final Plat Dodge Addition No 2
Consideration of a Preliminary & Final Plat for a Minor Subdivision in the Southeast Quarter of Section 04, Township 12 South, Range 21, East of the 6th P.M., in Leavenworth County, Kansas.**

Josh Schweitzer gave the staff report for the above-listed case, outlining the details of the request.

Chairman Majure asked the applicant if they would like to speak. Austin Thompson, with Atlas Land Consulting, addressed the Board, further explaining the nature of the request. Ms. Devin Di Joseph addressed the board further explaining the exception request. Chairman Majure asked if there were any questions for the applicant. No questions were asked. Chairman Majure entertained a motion for the exception.

Commissioner Tystad made a motion to approve the exception for a non-conforming structure , Commissioner Bailey seconded the motion.

ROLL CALL VOTE: Motion to approve the exception passed, 7/0 (2 Absent).

Commissioner Stork made a motion to approved the plat, seconded by Commissioner Clemons.

ROLL CALL VOTE: Motion to approve the plat passed, 7/0 (2 Absent).

**Case DEV-24-100 & 101 Preliminary & Final Plat Thomas Farm 2nd Plat
Consideration of a Preliminary & Final Plat for a Minor Subdivision in the Northeast Quarter of Section 26, Township 10 South, Range 22, East of the 6th P.M., in Leavenworth County, Kansas.**

Amy Allison gave the staff report for the above-listed case, outlining the details of the request.

Chairman Majure asked if the applicant would like to speak. Cody Herbster addressed the Board, further explaining the nature of the request. Chairman Majure asked if there were any questions for the applicant. Questions were asked and responses were given. Chairman Majure asked if there was a motion to approve the exceptions.

Commissioner Rosenthal made a motion to approve the exception for a non-conforming structure, Commissioner Tystad seconded the motion.

ROLL CALL VOTE: Motion to approve the exception passed, 7/0 (2 Absent).

Commissioner Rosenthal made a motion to approve the exception for Lot-Width to Lot-Depth, seconded by Commissioner Clemons.

ROLL CALL VOTE: Motion to approve the exception passed, 7/0 (2 Absent).

Commissioner Stork made a motion to approve the plat, seconded by Commissioner Clemons.

ROLL CALL VOTE: Motion to approve the plat passed, 7/0 (2 Absent).

**Case DEV-24-102 & 103 Preliminary & Final Plat Smith Ridge
Consideration of a Preliminary & Final Plat for a Minor Subdivision in the Southeast Quarter of Section 13, Township 10 South, Range 21, East of the 6th P.M., in Leavenworth County, Kansas.**

Josh Schweitzer gave the staff report for the above-listed case, outlining the details of the request.

Chairman Majure asked if the applicant would like to speak. Joe Herring, Herring Surveying, addressed the Board, further explaining the nature of the request. Chairman Majure asked if there were any questions for the applicant. Commissioner Tystad asked whether a traffic study is required for this type of request. John Jacobson responded that current policy does not require a traffic study to be performed. Also, that due to the number of lots being added, it would be unlikely for a traffic study to be required if there were a policy. Chairman Majure asked if there was a motion to approve the exceptions.

Commissioner Tystad made a motion to approve the exception for a non-conforming structure, Commissioner Rosenthal seconded the motion.

ROLL CALL VOTE: Motion to approve the exception passed, 7/0 (2 Absent).

Commissioner Tystad made a motion to approved the exception for Lot-Width to Lot-Depth, seconded by Commissioner Bailey.

ROLL CALL VOTE: Motion to approve the exception passed, 7/0 (2 Absent).

Commissioner Stork made a motion to approved the plat, seconded by Commissioner Clemons.

ROLL CALL VOTE: Motion to approve the plat passed, 7/0 (2 Absent).

Case DEV-24-110 Twin Venture Rezone

Consideration of a rezoning request from RR-2.5 zoning district to R-1(43) zoning district on the following described property: Lot 1, Rainmaker Ranch Addition, a subdivision in Leavenworth County, Kansas.

Josh Schweitzer gave the staff report for the above-listed case, outlining the details of the request.

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

Chairman Majure opened the public comment portion of this hearing and invited the applicant/agent to come forward. Mr. Jeremy Ressler came forward to answer questions about the request.

Chairman Majure invited individuals wishing to so speak in favor or opposition of the request.

Rick Summers, 16426 Leavenworth Road, addressed the Commission in opposition. He felt that the request did not match the character of the neighborhood and that the proposed concept plan would place the new lot very close to his home and buildings.

Amy Day, 16569 Leavenworth Road, also spoke in opposition and felt that the request did not match the character of the neighborhood. She was concerned about the traffic that additional parcels would add to the area since there was a recent subdivision being developed.

The public comment portion of the meeting was closed.

Chairman Majure asked if there was any additional information to present or questions from the board. Commissioners discussed policies. Chairman Majure said with no further discussion he would accept a motion.

Commissioner Stork motioned to approve the request for the request for Case DEV-24-110. Commissioner Spink seconded the motion.

ROLL CALL VOTE - Motion to approve passed 4/3 (2 Absent)

*Commission Bailey voted no based on the character of the neighborhood.
Commissioner Clemons voted no based on the character of the neighborhood and the proposed lot layout.
Commissioner Rosenthal voted no based on the character of the neighborhood.*

Adjournment of Planning Commission at 7:09 PM.

Board of Zoning Appeals was called to order at 7:17 PM

Staff Present: Jeff Spink, Doug Tystad, Steve Skeet, Marcus Majure, Dan Clemons, Jaden Bailey and Steve Rosenthal

Approval of the Agenda: Commissioner Rosenthal made a motion to approve the Agenda and Commissioner Clemons seconded the motion.

ROLL CALL VOTE: Motion to approve the agenda passed. 6/0

**Case DEV-24-104 Variance Schalipp Road Frontage
Consideration of a Variance request from Article 5, Section 4 of the Leavenworth County Zoning & Subdivision Regulations on the following described property: A tract of land in the Town of Delaware located in Section 20, Township 9 South, Range 23 East of the 6th p.m., in Leavenworth County, Kansas.**

Amy Allison gave the staff report for the above-listed case, outlining the details of the request.

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

Chairman Majure opened the public comment portion of this hearing and invited the applicant to come forward. Mrs. Cheryl Schalipp came forward to answer questions about the request.

Chairman Majure invited individuals wishing to so speak in favor or opposition of the request.

The public comment portion of the meeting was closed.

Chairman Majure asked if there was any additional information to present or questions from the board. Commissioners discussed policies. Chairman Majure said with no further discussion he would accept a motion.

Commissioner Rosenthal motioned to approve the request for the request for Case DEV-24-104. Commissioner Bailey seconded the motion.

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

**Case DEV-24-109 Variance Pittman Road Frontage
Consideration of a Variance request from Article 5, Section 4 of the Leavenworth County Zoning & Subdivision Regulations on the following described property: The South 15 acres of the West Half of the Northeast Quarter of Section 22, Township 12 South, Range 20 East of the 6th p.m., Leavenworth County, Kansas.**

Amy Allison gave the staff report for the above-listed case, outlining the details of the request.

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

Chairman Majure opened the public comment portion of this hearing and invited the applicant/agent to come forward. Mr. Galen Pittman came forward to answer questions about the request.

Chairman Majure invited individuals wishing to so speak in favor or opposition of the request.

The public comment portion of the meeting was closed.

Chairman Majure asked if there was any additional information to present or questions from the board. Commissioners discussed policies. Chairman Majure said with no further discussion he would accept a motion.

Commissioner Bailey motioned to approve the request for the request for Case DEV-24-109. Commissioner Skeet seconded the motion.

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

Adjournment of the Board of Zoning Appeals was called at 7:38 PM.