

**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
October 9, 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, Robert Owens, Steve Skeet, Allan Stork, Marcus Majure, William Gottschalk, Dan Clemons, Jaden Bailey and Steve Rosenthal. (All in attendance).

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

Minutes: Commissioner Stork made a motion to approve the minutes and Commissioner Clemons seconded that motion.

ROLL CALL VOTE – Motion to the approve passed, 9/0 with two abstentions (Gottschalk and Owens).

Secretary's Report: Amy Allison outlined the items on the agenda. Three plats are on consent agenda, 1 plat with exceptions and 1 rezone.

Declarations: None

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

ROLL CALL VOTE: Motion to approve the agenda passed. 9/0

A. Case DEV-24-048 Preliminary Plat Tallgrass Estates

Consideration of a Preliminary Plat for a tract of land in the Northwest Quarter of Section 15, Township 11 South, Range 22, East of the 6th P.M., in Leavenworth County, Kansas.

Also known as: 16271 Evans Rd.

Amy Allison gave the staff report for the above-listed case, outlining the details of the request. The applicant is requesting two exceptions: one from the block length requirement and the other from the minimum lot width. The block length request derives from floodplain and bodies of water being located within and adjacent to the property that would require substantial improvements to be made in order to accommodate that requirement. Director Jacobson confirmed a large structure would likely be needed to accommodate a future road connection, and that there may be floodplain implications. Chairman Majure expressed concern about a future need for a massive bridge structure in that area to accommodate the future development. Director Jacobson mentioned staff had received both the local Fire District and Public Works department comments stating this project would not be an issue. Commissioner Bailey mentioned the concern for future traffic flow. Commissioner Tystad raised questions concerning property sanitary sewer drainage on the future development of the property. Brett Napier of Napier Engineering spoke about Tract A accommodating open space for the eventual extension of sanitary sewer from the North. Amy Allison confirmed staff is recommending approval as long as the Planning Commission approves the exceptions.

Commissioner Tystad motioned for approval of the Block Length Exception; Commissioner Stork seconded.

ROLL CALL VOTE: Motion to approve Motion passed. 7/2 with two abstentions (Owens and Rosenthal)

Commissioner Tystad motioned for approval of the Lot Width Exception; Commissioner Stork seconded.

ROLL CALL VOTE: Motion to approve Motion passed. 9/0

Commissioner Stork motioned for approval of the Preliminary Plat; Commissioner Tystad seconded.

Counselor Brown stated staff is including the proposed conditions in the Motion. Planning Commission confirmed that to be true.

ROLL CALL VOTE: Motion to approve Motion passed. 7/2 with two abstentions (Owens and Rosenthal)

Commissioner Rosenthal supports the development, but again stated his concern with connectivity.

B. Case DEV-24-116 Kaaz Rezone

Consideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning district on the following described property: Three tracts of land in the Northwest ¼ of Section 19, Range 22 East of the 6th P.M., in Leavenworth County, Kansas & The North ½ of the North ½ of the Southwest ¼ of Section 19, Township 9, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.

Also known as: 18415 Eisenhower Rd.

Amy Allison gave the staff report for the above-listed case, outlining the details of the request. Ms. Allison stated that staff was supportive of the request however concerns about the visibility along Eisenhower Road would likely require a traffic study during the platting process.

Chairman Majure opened the Public Hearing portion of the meeting. Joe Herring, with Herring Surveying, addressed the Board, further explaining the nature of the request. No one came forward in favor of the request. Resident Gary Anderson, 26237 187th Street, spoke in opposition for the request. Mr. Anderson stated that he was speaking on behalf of eight (8) of nine (9) homeowners on 187th Street and the owners to the west of the project. The opposition is based upon the high level of traffic on 187th Street and Eisenhower. The homeowners purchased their land to either farm or get away from the suburbs. They oppose the development for that reason. Carol Anderson, 26237 187th Street, also spoke in opposition of the project based upon rapid increase of traffic and potential future infrastructure and sewer requirements to support the homes in the area.

Joanne Aaron, 26311 179th Street, stated she has cattle and their family farm began in 1882. Ms. Aaron stated her concern about potential sewer drainage problems and possible issues with their cattle. She further stated her grandchildren have plans to continue the family farming business. Janice Aaron, 26311 179th Street, stated her opposition for the project for the same reasons; mainly water runoff into her pasture and the potential negative impact on her livestock.

Property owner Mike Lazari spoke in opposition based upon future traffic congestion if the development occurs. Mr. Lazari's perspective was how would traffic issues worsen if 51 more additional homes were added to the area. Mr. Lazari also stated his displeasure of the development of the property which is currently owned by a County Commissioner. He further added he believes this a clear conflict of interest.

Property owner Ruth Bannion stated her concern with the negative impact the project would have with traffic patterns. She believes a project of this nature belongs in the city limited; not the County.

Chairman Majure closed the public hearing portion of the meeting.

Counselor Brown stated the importance of the reasons behind any oppositions in the event of future litigation. Staff and Planning Commission discussed the current zoning designation.

Commission Owens questioned the current zoning designation. Amy Allison confirmed it is RR-5; however, areas of future land use map indicate a RR-2.5 designation. Deputy Director Allison confirmed the Staff recommended approval of the request based upon the Golden Factors and future land use map.

Commissioner Stork motioned to approve the request. Tystad seconded the motion.

Commissioner Bailey voted no based upon current character of the neighborhood and the fact that there are no "like developments" and Golden Factors #1 and #2 apply.

Commissioner Stork voted yes.

Commissioner Gottschalk voted no based upon Golden Factors #1 and #2.

Commissioner Spink voted yes.

Commissioner Tystad also voted no for the above reasons.

Commissioner Owens voted no that future development does not match with existing surrounding properties in the community (Golden Factors #1 and #2).
Commissioner Skeet also voted no (Golden Factors #1 and #2).
Commissioner Clemons voted no (Golden Factors #1 and #2).
Commissioner Rosenthal voted yes for approval of the rezone request.

ROLL CALL VOTE: Motion to approve the rezone denied, 6/3.

Adjournment of the Board of Zoning Appeals was called at 6:53 PM.

Upcoming meeting dates:

Wednesday, November 13, 2024, 5:30 PM
Regular Planning Commission Meeting