

**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
January 9, 2019**

Meeting called to order at 6:00 pm

Pledge of Allegiance

Members present: Steve Rosenthal-Chairman, Mark Denney, David Clark, Wolf Schmidt, Chris Raymos, Jay Schwinn, Janette Labbee – Holdeman and John Matthews.

Members absent: Louis Box

Staff present: Jeff Joseph-Director, Krystal Voth-Deputy Director, Christa McGaha-Planner, Stephanie Sloop-Planning Coordinator, David Lutgen-County Engineer, Wayne Malnicof-County Surveyor

Approval of Minutes:

A motion was made by Commissioner Schwinn and seconded by Commissioner Schmidt to approve the November Planning Commission Meeting.

Motion passed, 7-0, 1 abstain

Secretary's Report:

Jeff Joseph informed the Planning Commission that he would be presenting proposed changes to the Planning Commission by-laws about how to staff the Planning Commission with the new five Commission Board, he indicated that the proposed changes would have at least one Planning Commissioner residing in each district.

He also indicated there was one case on the consent agenda and approval of the agenda would approve that case.

A motion was made by Commissioner Schwinn and seconded by Commissioner Matthews to approve the agenda.

Motion passed, 8-0

Declarations – No declarations were made.

Case No. DEV-18-0105 & 106

Consideration of a Preliminary and Final Plat for Dentside Subdivision a four-lot plat on a tract of land located in the northwest quarter of Section 15, Township 11 South, Range 200 East of the 6th P..M., in Leavenworth County.

Request submitted by Herring Surveying

*****Public Hearing Required*****

Krystal Voth presented Case DEV-18-105 & 106 for a preliminary and final plat for Dentside Subdivision

The proposed four-lot subdivision, Dentside Subdivision, is located at 262nd and Evans Road in the Rural Density area of the County. Each lot meets the Leavenworth County Zoning and Subdivision Regulations for lot size, frontage and ratio.

Lot One will not have direct access to Evans Road and will only be allowed access off of 262nd Street.

Lot Two has an existing lagoon that is less than 100' from an existing pond. The lagoon may remain; however, any repairs or alterations to the pond or the lagoon that would result in decreased separation shall result in the lagoon being decommissioned and a new, compliant onsite waste water treatment system being installed.

Proposed Lot Three is irregularly shaped due to a previously platted subdivision to the south. The proposed lot meets the requirements for lot size, frontage and ratio. Staff is supportive of the proposed lot due to the location of the subdivision being in the most western portion of the County and not within a growth area.

Staff is supportive of the proposed subdivision and recommends approval subject to conditions.

Staff recommends approval of Case No.DEV-18-105/106, Preliminary and Final Plat for Dentside Subdivision, with the following conditions:

1. Standard RIF and TIF shall apply for any new residential units.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. The applicant shall adhere to the following memorandums:
 - a. Krystal A. Voth – Planning and Zoning, December 12, 2018
 - b. David Lutgen – Public Works, December 7, 2018
 - c. Wayne Malnicof – County Surveyor, December 12, 2018
 - d. Chuck Magaha – Emergency Management, December 7, 2018
 - e. Tim Smith, Tonganoxie Fire District, December 6, 2018
 - f. Joe Osborn, Rural Water District #13, December 7, 2018
 - g. Matthew Magill, Free State electric company, November 30, 2018
4. A waiver for the use of private septic systems within this subdivision is granted with this approval.
5. Lot One shall not have access off of Evans Road and will be granted access off of 262nd Street per the County Engineer.
6. Any repairs or alterations to the existing lagoon which decrease the existing separation between the pond and nearest lagoon shall result in the lagoon being decommissioned and a new, compliant on-site wastewater treatment system being installed.
7. Any development shall comply with the Leavenworth County Zoning and Subdivision Regulations, Sanitary Code and Floodplain Ordinance of Leavenworth County.
8. The applicant shall work with the water district, emergency management, and the fire district regarding the requirements for fire hydrants.
9. After approval of this subdivision by the Board of County Commission, all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

A motion was made by Commissioner Schwinn to approve DEV-18-105 & 106, Commissioner Matthews seconded the motion.

Motion passed 8/0

Case No. DEV-18-101

Consideration of an application for a Special Use Permit for a Home Remodeling and Light Construction business, Willcott Woodworks, on a tract of land located in the northeast quarter of Section 29, Township 9 South, Range 22 East of the 6th P.m., in Leavenworth County KS.

Also known as 25757 Tonganoxie Rd

Request submitted by Michael Willcott

*****Public Hearing Required*****

Christa McGaha presented Case Number DEV-18-101 Special Use Permit request for Willcott Woodworks

The applicant is applying to renew their Special Use Permit for a cabinet shop. There are no changes to this business. The shop is located behind the residence on the property and is not visible from the road. The work

space takes up the northern 60 x 30' space of this building and the remaining area is used for personal storage of farm equipment.

The business will create minimal noise and waste. A decibel reading on December 14, 2018 showed 40 dbls approximately 20 feet away from the shop while equipment was in use, which is in accordance with the standard condition of less than 60 dbls at the property line. The hours of operation are 7am to 6pm daily. There is one employee who lives off site. The business creates minimal traffic including deliveries every 1 to 2 weeks and one trip per week to deliver materials from the shop to the work site. Installation is conducted off site. The business owns one box truck for delivery. There is an additional box truck on the property which is not in use. Some adhesives and other products are used that are water soluble and are disposed of in accordance with the recommendations of the Emergency Management Department. Staff recommends 10 years since this is the second renewal with no complaints.

The staff recommends approval of Case No.DEV-18-101, a renewal for Special Use Permit for Willcott Woodworks, with the following conditions:

1. The SUP shall be limited to a period of 10 years.
2. The business shall be limited to the hours of 7 am to 6 pm daily.
3. The applicant shall pay a Traffic Impact Fee (TIF) of \$198.88.
4. The SUP shall be limited to 1 employee other than business owners.
5. The noise level shall be limited to 60 decibels at the property line.
6. The applicant shall adhere to the following memorandums:
 - a.Christa McGaha – Planning and Zoning, December 12, 2018
 - b.David Lutgen, P.E. – Public Works, November 29, 2018
 - c.Melissa Johnson – Codes Enforcement Officer, December 6, 2018
 - d.Chuck Magaha – Emergency Management, December 12, 2018
 - e.David Van Parys – County Counselor, November 29, 2018
 - f. Becky Fousek – Rural Water District No 8, November 29, 2018
 - g.Amanda Holloway – Free State Electric Cooperative, November 29, 2018
7. No signage is allowed in the right-of-way. No signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
8. No on-street parking shall be allowed.
9. This SUP shall be limited to the Narrative dated November 14, 2018 submitted with this application.
10. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

Chairman Rosenthal inquired about the 10 year time period since the Planning Commission had been recommending only 5 years in the past. Jeff Joseph explained that with the change of the County Commission we were going to start recommending longer durations for renewals when there had not been any complaints.

The applicant, Mike Willcott, spoke and asked for the duration to be at least 10 years if not for longer. He stated that he was comfortable that the business would not grow out of the scope of the narrative and if there was a change they would bring it back to Planning Commission.

Commissioner Raymos made a motion to approve DEV-18-101 Willcott Woodworks for 10 years. Commissioner Labbee-Holdman seconded the motion.

Motion passed, 8/0

The Board of County Commissioners will consider this item on 9:00 am on January 29th, 2019, at the Leavenworth County Courthouse

Planning Commission is adjourned at 6:17 PM