

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

Meeting called to order at 6:00 pm

Pledge of Allegiance

Members present: Steve Rosenthal-Chairman, Mark Denney, A.W. Himpel, Alex DeMoro, John Matthews, Janette Labbee-Holdeman, Terry Bartkoski and Jeff Spink

Members absent: Wolf Schmidt

Staff present: Jeff Joseph-Director, Krystal Voth-Deputy Director, Stephanie Sloop-Planning Coordinator, David Van Parys-Senior County Counselor

Approval of Minutes:

A motion was made by Commissioner Labbee-Holdeman and seconded by Commissioner Himpel to approve the September 11th Planning Commission.

Motion passed, 7-0, 1 Abstain

A motion was made by Commissioner Denney to approve the minutes with one correction, striking a part of the meeting that said number of members present. The motion was seconded by Commissioner Bartkoski to approve the September 25th Planning Commission.

Motion passed, 6-0, 2 Abstain

Secretary's Report:

Jeff Joseph informed the Planning Commission that there was one item on the consent agenda and when they approved the agenda they would be approving that case.

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

Motion passed, 8-0

Declarations: No Declarations

Case No. DEV-19-096

Consideration of an application for a Special Use Permit for a Dog Kennel and Boarding Facility, Country View Kennel on a tract of land located in the southeast quarter of Section 11, Township 10 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.

Also known as 23115 148th Street

Request submitted by Michael Kerashek

Krystal Voth presented the staff report for Case DEV-19-096 a Special Use Permit application for a Dog Kennel and Boarding Facility, Country View Kennel.

Chairman Rosenthal opened the public comment portion and asked the applicant to come forward. The applicant, Mr. Kerashek, came forward and stated that he agreed with all conditions.

Chairman Rosenthal asked for anyone wishing to speak in favor of this request to come forward, seeing none he asked for people wishing to speak in opposition of this request. With no additional information to be presented the public comment portion of the hearing was closed.

Commissioner Bartkoski made a motion to approve DEV-19-096 a Special Use Permit for Country View Kennel, that the findings on the Golden Factors, as set forth in the staff report and substantiated by the facts, testimony and evidence presented, be adopted by this Board and that the conditions set forth in the Staff report be made part of this Special Use Permit. Commissioner Matthews seconded the motion.

ROLL CALL VOTE

Motion passed 8/0

The Board of County Commissioners will consider this item on **October 30th, 2019 at 9:00 A.M** in the Leavenworth County Courthouse.

Case No. DEV-19-101

Consideration of an application to rezone a parcel of land from the I-3, Heavy Industrial Land Use to Rural Residential, RR-5 Land Use on a tract of land in the northwest quarter of Section 18, Township 12 South, Range 21 East of the 6th P.M., in Leavenworth County.

Also known as 12815 189th Street

Request submitted by Beverly J. Davis

****Requires public hearing****

Krystal Voth presented the staff report on Case DEV-19-101 a request to rezone a piece of land from I-3, Heavy Industrial to Rural Residential, RR-5. There was discussion among Commissioners about rezoning the neighboring property owners so the zoning is consistent.

Chairman Rosenthal opened the public comment portion of the hearing and asked the applicant to come forward. The applicant stated that they didn't have anything to add.

Chairman Rosenthal asked for anyone wishing to speak in favor of this request or in opposition of this request. With no additional information to be presented the public comment portion of the hearing was closed.

Commissioner Bartkoski made a motion that the proposed case DEV-19-101 a Rezone from I-3 to RR-5, be approved, that the findings on the Golden Factors, as set forth in the staff report and as substantiated by the facts, testimony and evidence presented, be adopted by this board and that the conditions set forth in in the staff report be made part of this rezoning. Commissioner Labbee-Holdeman seconded the motion.

ROLL CALL VOTE

Motion passed 8/0

The Board of County Commissioners will consider this item on **October 30nd, 2019 at 9:00 A.M** in the Leavenworth County Courthouse.

Planning Commission is adjourned at 6:29 PM and reconvened as the Board of Zoning Appeals.

Members present: Chairman Rosenthal, John Matthews, Terry Bartkoski, Mark Denney, A.W. Himpel, Alex DeMoro, & Jeff Spink

Staff present: Jeff Joseph-Director, Krystal Voth-Deputy Director, Stephanie Sloop-Planning Coordinator, David Van Parys-Senior County Counselor

Case No. DEV-19-097

Consideration of an application for a Variance to Road Frontage and Minimum Lot Size on a tract of land located n the southeast quarter of Section 10, Township 11 South, Range 21 east of the 6th P.M., Leavenworth County, Kansas.

Request submitted by Joe Herring on behalf of Tony Simanowitz

Krystal Voth presented the staff report for Case DEV-19-097 for a Variance to Road Frontage and Minimum Lot Size.

Chairman Rosenthal opened the public comment portion of the hearing and asked if the applicant would come forward. Joe Herring came forward to speak on behalf of the applicant, giving a history of how this request came before the Board tonight.

Chairman Rosenthal asked for anyone wishing to speak in favor of this request come forward. Chairman Rosenthal asked for anyone wishing to speak in opposition of this request. Stacey Meyer came forward to voice concern about the way the regulations have not been followed. Krystal Voth explained that the circumstances of this case, the only way the parcel can come into compliance is with a variance. Joe Herring came forward to clarify the circumstances that brought this request to the Board this evening. County Counselor David Van Parys offered guidance about Variance process.

With no additional information to be presented the public comment portion of the hearing was closed.

Commissioner Matthews made a motion for Case DEV-19-097 Variance Request be approved, that the findings on the golden factors, as set forth in the staff report and as outlined in the case with factors of the Kansas Statue be adopted by this board. Commissioner Bartkoski seconded the motion. With no further discussion we will have a roll call vote with Commissioners present.

ROLL CALL VOTE

Motion passed 7/0

Board of Zoning of Appeals is adjourned at 7:04 pm.