

**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
July 13, 2022**

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

Meeting called to order at 5:30 pm

Pledge of Allegiance

Members present: Steve Rosenthal, Mark Denney, Alan Stork, Tom Dials, Robert Owens, Marcus Majure, and Jaden Bailey

Members absent: Wolf Schmidt, Rocky Himpel, and Jeff Spink

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

Community present (that signed in): Mike Goetz, Greg and Emily List, Julie and Kenny Eastburn, John Wagner, Sharon Wagner, Kara Luginbill, Kyle Smith, Nicole Crook, Howard Crook, Shawn Britz, Christy Britz, Mason Britz, Madison Britz, Gary Green, Toni Culbertson, Kirk Culbertson, Tammy Lemke

Minutes:

One change was made to the previous month's minutes. Commissioner Bailey made a motion to approve the June PC Minutes. Commissioner Dials seconded that motion.

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

Secretary's Report:

Krystal Voth gave the secretary's report, going over the consent agenda and regular agenda.

Commissioner Dials made a motion to approve the agenda. Commissioner Majure seconded the motion.

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

Case DEV-22-067 Flat Land Excavating Termination

Consideration of an application for Termination of Approval of Resolution 2018-10, a Special Use Permit for a Landfill on the following described property: A tract of land in the northwest quarter of Section 20, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

Krystal Voth presented the facts and findings for the above case. She also informed the Commission that the applicants were preparing to submit a new application for a Special Use Permit with an updated narrative of their business. County Counselor, David Van Parys, addressed the Commission to remind them that the public hearing was opened and closed at the Planning Commission.

A discussion was had amongst the Commission about tabling the meeting to give time for notification so the applicant and members of the community can be allowed to provide public comment. Members of the Commission stated that if the meeting were tabled to a future date, there would be a requirement that a decision would be made.

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

Commissioner Denney made a motion to table DEV-22-067 to a Special Meeting on Tuesday, August 30th at 5:30 pm, with the understanding that if no future application for a new Special Use Permit, the Planning Commission will act on the revocation. Commissioner Bailey seconded the motion.

ROLL CALL VOTE - Motion to table passed, 5/1

Commissioner Owens voted to deny, reasoning that he feels we have given them enough time and believes a vote should happen tonight.

Case DEV-22-082 Premier Lawn Service

Consideration of an application for a Special Use Permit for a Contractor's Yard/Landscaping Business on the following described property: A tract of land in the East Half of the Northeast Quarter of Section 22, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, KS.

Amy Allison presented the facts and findings for the above request.

Chairman Rosenthal asked if the applicant would like to speak. Mr. Eric Janesko and Mr. Bobby Nolls came forward to explain the nature of their request and answer any questions. Chairman Rosenthal opened the public comment portion of the hearing and asked if anyone wished to speak in favor or opposition of the request. Individuals came forward to speak in both favor and opposition.

One person came forward to speak in favor of the request and several people came forward to speak in opposition.

Discussion was had amongst the Commissioners.

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

Chairman Rosenthal made a motion to deny DEV-22-082. Commissioner Dials seconded the motion.

The applicant asked to address the commission. The applicant explained that the timeframe for needed the SUP was short. They were in the process of obtaining a commercial space in an Industrial Park. Further discussion was had amongst the Commission.

Chairman Rosenthal amended his motion to approve DEV-22-082 for a time frame not to exceed 1 year, and with a voluntary slowdown on that section of road. Commissioner Dials agreed to the amended motion.

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

The Board of County Commissioners will consider this item no earlier than **August 3, 2022 at 9:00 A.M** in the Leavenworth County Courthouse.

Case DEV-22-051 Commercial and Noncommercial Wind Energy Conversion Systems

Consideration of an application of an Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations:

Article 3 –Definitions

Article 19 - Table of Uses

Article 57 – Renewable Energy Conversion Systems

Amy Allison presented the facts and findings for the above case.

Chairman Rosenthal opened the public comment portion of the hearing and asked if anyone wished to speak in favor or opposition of the request. Individuals came forward to speak in both favor and in opposition.

Discussion was had amongst the Commission.

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

Commissioner Stork made a motion to approve DEV-22-051 based on the findings in the staff report and the golden factors. Commissioner Owens seconded the motion.

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

The Board of County Commissioners will consider this item no earlier than **August 3, 2022 at 9:00 A.M** in the Leavenworth County Courthouse.

Planning Commission adjourned at 6:51 PM

Board of Zoning Appeals is called to order at 7:01 PM

Members present: Steve Rosenthal, Mark Denney, Alan Stork, Tom Dials, Robert Owens, Marcus Majure, and Jaden Bailey

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

Case DEV-22-087 Linden – Road Frontage

Consideration of an application for a Variance from Article 5, Section on the following described property: A tract of land in the Southwest Quarter of Section 16, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, KS.

Krystal Voth went over the application and the nature of this request.

Chairman Rosenthal asked for the applicant to come forward. Joe Herring with Herring Surveying came forward to represent the applicant. Chairman Rosenthal opened the public comment portion of the hearing and asked if anyone wished to speak in favor or opposition of the request. Individuals came forward to speak in both favor and in opposition. Chairman Rosenthal closed the public hearing.

Discussion was had amongst the Commission.

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

Commissioner Dials made a motion to approve DEV-22-087. Commissioner Bailey seconded the motion.

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

Board of Zoning Appeals adjourned at 7:06 PM.