

**LEAVENWORTH COUNTY PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
February 13, 2019**

**Meeting called to order at 6:00 pm**

**Pledge of Allegiance**

**Members present:** Steve Rosenthal-Chairman, Mark Denney, Louis Box, Wolf Schmidt, Chris Raymos, Jay Schwinn, and John Matthews.

**Members absent:** Janette Labbee – Holdeman and David Clark

**Staff present:** Jeff Joseph-Director, Krystal Voth-Deputy Director, Stephanie Sloop-Planning Coordinator,

**Approval of Minutes:**

***A motion was made by Commissioner Schwinn and seconded by Commissioner Matthews to approve the January Planning Commission Meeting minutes.***

***Motion passed, 6-0, 1 abstain***

**Secretary's Report:**

Jeff Joseph informed the Planning Commission there was a revised agenda in front of them tonight to represent a correction to a Case Number.

Jeff Joseph also informed the Planning Commission that the Board of County Commissioners approved the Master Plan during this morning's meeting and that he would be getting them more information about that in the coming months.

***A motion was made by Commissioner Schmidt and seconded by Commissioner Box to approve the agenda.***

***Motion passed, 7-0***

**Declarations** – No declarations were made.

**Case No. DEV-18-109**

**Consideration of an application for a Special Use Permit for Riding Stables and Tracks for Packwood Stables on a tract of land located in the East Half of the Southeast Quarter of Section 26, Township 10 South, Range 21 East of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas.**

**Request submitted by Darlene Packwood**

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

Krystal Voth presented Case DEV-18-109, the applicants are requesting renewal of their Special Use Permit for a horse stable and riding lessons. The applicants are requesting the permit be renewed for 10 years. The stables are open seven days per week from 7 AM until 9 PM. The applicants are requesting the hours of operation be altered to 10:00 PM. Staff is supportive of this change. This request is the only change to the SUP from 2013. There are up to six employees, four of which are family members.

Lessons are typically conducted four days a week with a fifth day scheduled for make-ups as needed. Lessons are usually given in the evening after 5:00 PM, except during the summer when lessons may begin earlier in the day.

Currently, the applicants board 37 horses. They are able to board up to 40. Owners of the horses are able to come to the site each day between 7 AM and 10 PM to ride, load or unload their horses.

Staff recommends approval of Case No.DEV-18-109, Special Use Permit for Riding Stables and Tracks for Packwood Stables, with the following conditions:

1. The SUP shall be limited to a period of ten (10) years.
2. The business shall be limited to the hours of 7AM until 10PM seven days a week.
3. The applicant shall pay a Traffic Impact Fee (TIF) of \$1,169.73.
4. The SUP shall be limited to four employees other than business owners.
5. The total number of horses to be boarded at the site shall be limited to 40 at one time.
6. The applicant shall adhere to the following memorandums:
7. Chuck Magaha – Emergency Management, January 14, 2019.
8. 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.
9. No on-street parking shall be allowed.
10. This SUP shall be limited to the Narrative dated December 12, 2018 submitted with this application.
11. 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 opened up the public comment portion of the hearing. The applicant Mr. Packwood came forward to answer questions. Commissioner Denney confirmed that the lighting was only security lighting and was motion controlled, Commissioner Raymos asked about the Water Districts concern with trailers, the applicant said he was not sure what their concern was. The applicant agreed to the conditions set forth by Planning and Zoning.

Concerned citizen at 18933 High Prairie Rd came before the Planning Commission to speak neither in favor or opposition of the application, but to ask questions concerning runoff from the stables. Jeff Joseph indicated that it was not part of our criteria and that the state regulated runoff not the County. Commissioner Denney commented that condition 11 stated that the SUP shall comply with all local, state, and federal rules and regulations that may be applicable, so that condition should take care of his concern.

***A motion was made by Commissioner Matthews that Case DEV-18-109 be approved with conditions as written, Commissioner Schmidt seconded the motion.***

## **ROLL CALL VOTE**

**Motion passed 7/0**

The Board of County Commissioners will consider this item on **March 6, 2019 at 9:00 A.M** in the Leavenworth County Courthouse.

**Any person wishing to file a protest petition must contact the Planning & Zoning Office. Protest petitions must be filed with Leavenworth County within two weeks of this meeting. To be valid, the protest petition must be signed by owners of 20% of the land area in the notification area.**

### **Case No. DEV-18-110**

**Consideration of an application for a Special Use Permit for a Contractor's Yard, Henry Contracting, on a tract of land located in the northeast quart of Section 6, Township 9 South, Range 22 East of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas.**

**Also known as 28860 183<sup>rd</sup> Street**

**Request submitted by Henry Springe**

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

Krystal Voth presented Case DEV-18-110; the applicant has requested a Special Use Permit to continue operating Henry Contracting. Primarily, the applicant provides concrete flatwork for customers. Due to the nature of the business, the actual business operations take place on-site, away from Mr. Springe's home. Mr. Springe stores a work truck and trailers at his home, along with the necessary tools and equipment to perform the flatwork. The truck and trailers are neatly stored on his property when they are not in use at a job site.

Mr. Springe indicates that the business is seasonal in nature, typically operating from March through November. Mr. Springe employs up to four employees during this time and his business operates Monday-Friday from 6:00 AM until 5:00 PM. Mr. Springe states that typically two of the four employees come to his house some mornings to load trailers and equipment and the other two employees meet the crew at the job site. Tools, equipment and trailers for the job are stored on-site until the job is completed, thereby reducing the number of mornings crew members need to come to Mr. Springe's home to gather equipment. Once the job is completed, the equipment is returned to Mr. Springe's shop. Typically all supplies for the business are stored inside of the shop. However, on occasion, Mr. Springe stores rebar in a location outside of the shop. The storage of rebar is typically short in duration and infrequent.

To date, there have been no complaints regarding Mr. Springe's business, Henry Contracting. Mr. Springe is requesting a Special Use Permit for five years. Staff is supportive of this request.

Staff recommends approval of Case No.DEV-18-110, Special Use Permit for a Contractor's Yard, Henry Contracting, with the following conditions:

1. The SUP shall be limited to a period of five (5) years.
2. The business shall be limited to the hours of 6AM to 5PM, Monday through Friday.
3. There shall be no loading of equipment prior to 6:00 AM.
4. The applicant shall pay a Traffic Impact Fee (TIF) of \$309.37
5. The SUP shall be limited to four employees other than the applicant.
6. There shall be no storage of materials other than rebar outside of the existing shop.
7. The applicant shall adhere to the following memorandums:
  - a.Chuck Magaha – Emergency Management, January 14, 2019
8. 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.
9. No on-street parking shall be allowed.
10. This SUP shall be limited to the Narrative dated December 27, 2018 submitted with this application.
11. 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 opened up the public comment portion of the hearing. The applicant, Mr. Springe, came forward, he stated that he did not have anything to add to staff's report. Chairman Rosenthal asked him if he had reviewed all the conditions, Mr. Springe stated that he also stored lumber material in between the shops. Mr. Springe also stated that he worked an occasional Saturday. Commissioner Denney inquired on where he sees his business in 5 years. Mr. Springe indicated if anything he would keep it the same if he was not able to retire, he does not see it growing any bigger. Concerned citizen Patty Willmeth, 18230 Springdale Rd, she indicated that she was not here to speak in favor or opposition and she was just here to make sure that the business would not be expanding to the east which is where her property is. Mr. Springe stated that the business would not be expanding. Chairman Rosenthal closed the public hearing.

**Commissioner Schwinn made a motion to approve DEV-18-110 with conditions, modifying them to include occasional Saturdays and adding that lumber be allowed to be stored with the rebar. Commissioner Raymos seconded the motion. Commissioner Denney stated he did not like the work occasional and he would rather see it be allowed Monday – Saturday so we do not have to interpret occasional means. Commissioner Schwinn and Commissioner Denney both accepted that change to their motion and second.**

**ROLL CALL VOTE**

**Motion passed 7/0**

The Board of County Commissioners will consider this item on **March 6, 2019 at 9:00 A.M** in the Leavenworth County Courthouse.

**Any person wishing to file a protest petition must contact the Planning & Zoning Office. Protest petitions must be filed with Leavenworth County within two weeks of this meeting. To be valid, the protest petition must be signed by owners of 20% of the land area in the notification area.**

**Case No. DEV-19-002**

**Consideration of an application for a Text Amendment to amend Article 19 of the Leavenworth County Zoning and Subdivision Regulations.**

**Request submitted by Leavenworth County Planning and Zoning**

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

Krystal Voth presented the staff report explaining that this is a request to consider a proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations. The change is due to an applicant requesting to renew their Special Use Permit for an established sign shop and we do not have a category that it fits in. Proposed amendment is for the following:

**Article 19- Table of Uses**

To add a category for “Sign Shop”

S = Special Use Permit	A = Allowed Use	R-Rural	R-1 One Fam	R-2 One Fam	R-3 Two Fam	R-4 Apt	B-1 Nghd Bus	B-2 Lim Bus	B-3 Genl Bus	I-1 Lim Ind	I-2 Lt Ind	I-3 Hvy Ind
Sign Shop		S					A	A	A	A	A	A

The staff recommends approval of Case No.DEV-19-002, proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations.

Commissioner Rosenthal asked what we had put sign shops in before. Krystal explained that it had gone under small limited business before but this particular business does not fit in that category. Public comment portion was opened and closed.

**Commissioner Schmidt made a motion to approve DEV-19-002 as presented. Commissioner Matthews seconded the motion.**

**ROLL CALL VOTE**

**Motion passed 7/0**

The Board of County Commissioners will consider this item on **March 6, 2019 at 9:00 A.M** in the Leavenworth County Courthouse.

**Planning Commission is adjourned at 6:37 PM**