

**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
April 10, 2019**

Meeting called to order at 6:00 pm

Pledge of Allegiance

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

Members absent: Chris Raymos

Staff present: Jeff Joseph-Director, Krystal Voth-Deputy Director, Christa McGaha-Planner, Michael Spickelmier-Public Works Director, David Van Parys-Senior County Counselor

Approval of Minutes:

***A motion was made by Commissioner Schwinn and seconded by Commissioner Schmidt to approve the February Planning Commission Meeting minutes.
Motion passed, 7-0, 1 abstain 1 absent***

Secretary's Report:

Jeff Joseph let the Planning Commission know there was one item on the consent agenda and there was an item to be discussed in Administrative Business.

***A motion was made by Commissioner Schwinn and seconded by Commissioner Holdeman to approve the agenda.
Motion passed, 7-0, 1 abstain 1 absent***

Declarations – Chairman Rosenthal mentioned that he did have interest in the item on the consent agenda so he was going to abstain from voting on the approval of the agenda.

Administrative Business:

Krystal Voth presented a request to remove a restriction on the Plat for McAfee Lakes. Historically the restriction for driveway access was limited to one entrance per lot, recently the Access Management Policy was updated so the one access per lot does not apply. We have had someone approach us about getting a second access on their lot but because of the restriction on the plat we are unable to grant it. We are bringing this before you so you can give us direction of if you would be supportive of this so we can present this to the board. Planning and Zoning is supportive of this as well as Public Works.

A motion was made by Commissioner Schwinn to send this to the Board of Commissioners with Planning Commissioners recommendation of approval. Commissioner Clark seconded the motion.

ROLL CALL VOTE

Motion passed 8/0, 1 absent

Case No. DEV-19-030

Consideration of Preliminary Plat for Pride Estates, a nine-lot subdivision on a tract of land in the northeast quarter of Section 11, Township 10 South, Range 22 East of the 6th P.M., in Leavenworth County.

Also known as 00000 151st St

Request submitted by Herring Surveying

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

Krystal Voth presented her staff report for case DEV-19-030 a request for a Preliminary Plat for Pride Estates, a nine-lot subdivisions. Applicant Lori Van Fleet and Herring Surveying spoke in favor of the plat.

Chairman Rosenthal asked for County Counselor guidance on if the Preliminary Plat could move forward without being reheard by the Planning Commission. Mr. Van Parys stated that with guidance staff and the surveyor could move forward with a Final Plat.

Commissioner Schwinn made a motion to approve DEV-19-030, striking the staff's condition requiring the road to be built but having a provision that it is dedicated and no interim cul-de-sacs and leaving all the other staff recommendations. Commissioner Denney seconded the motion.

ROLL CALL VOTE

Motion passed 7/1, 1 absent

(Commissioner Matthews voted no because he feels like the guidance of professional staff needs to be followed to uphold the regulations)

The Board of County Commissioners will consider this item on **May 1, 2019 at 9:00 A.M** in the Leavenworth County Courthouse.

(After the Planning Commission meeting Planning Staff met with County Counsel to clarify that the Preliminary Plat did not need to go before the Board of County Commissioners and could proceed with the Final Plat.)

Case No. DEV-19-017

Consideration of an application for a Special Use Permit for a Contractor's Yard, Angell's Excavation on a tract of land located in the southeast quarter of Section 6, Township 11 South, Range 21 East of the 6th P.M., in Leavenworth County, Kansas.

**Also known as 19230 McLouth Rd
Request submitted by Kelly Angell**

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

The case was tabled to the May 8, 2019 Planning Commission Meeting because of the absence of an applicant.

Case No. DEV-19-019

Consideration of an application for a Special Use Permit for a Dog Kennel, Dog Palace on a tract of land located in the southwest quarter of Section 11, Township 12 South, Range 21 East of the 6th P.M., in Leavenworth County, Kansas.

**Also known as 13372 206th Street
Request submitted by Mary Feuerborn**

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

Krystal Voth presented case DEV-19-019. Chairman Rosenthal opened the public comment portion and invited the applicant to speak. Kellee Bolton spoke on her mother's behalf, she stated that her mother was aware of all the conditions and agreed to them. There was no one in favor or opposition of this request. The public hearing was closed.

Commissioner Clark made a motion to approve DEV-19-019. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE

Motion passed 8/0, 1 absent

The Board of County Commissioners will consider this item on **May 1, 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-19-020

Consideration of an application for a Special Use Permit for a Cellular Communication Tower on a tract of land located in the northeast quarter of Section 18, Township 11 South, Range 22 East of the 6th P.M. in Leavenworth County, Kansas.

Also known as 17775 182nd Street

Request submitted by Network Real Estate

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

Christa McGaha gave the staff report for Case DEV-19-020 a Special Use Permit request for a Cellular Communication Tower subject to conditions. Public Works had no comment. Chairman Rosenthal opened the public portion part of the meeting and invited the applicant to come forward. Jake Sprague came forward to speak on behalf of the application, he stated that they agreed to the conditions listed, only he clarified that service techs would only be at the site 4 times per year. Mrs. Linda Seifert spoke in opposition of the request stating her concerns. Mr. Louis Seifert spoke in opposition of the application stating his concerns. Chairman Rosenthal closed the public hearing.

Commissioner Matthews made a motion to approve DEV-19-020 with all staff recommendations. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE

Motion passed 8/0, 1 absent

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Case No. DEV-19-022

Consideration of an application for a Special Use Permit for an Agri-business, Next to Nature Farm on Lot 6, Bent Water Subdivision, in Leavenworth County, Kansas.

Also known as 23338 Kissinger Rd

Request submitted by Chad and Megan Gilliland

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

Christa McGaha gave the staff report for Case DEV-19-022 a Special Use Permit for an Agri-business, Next to Nature Farms. Public Works had no additional comments. Chairman Rosenthal opened the public hearing and asked the applicant to come forward. Chad Gilliland came forward and further explained the nature of his operation. Chairman Rosenthal asked if the applicant agreed to the conditions, Mr. Gilliland clarified that he did want a sign with his special use permit. Commissioner Schwinn asked if they were a registered Agri-Business with the state and the Gilliland's said they were. Chairman Rosenthal asked for comments in favor, Lisa Haack spoke in favor of this request for a SUP. Steven Pickett also spoke in favor of the request. Michelle Schlight spoke not in favor or opposition but did state concerns with increased traffic and dust. The public comment portion was closed. Commissioner Denney inquired about the size of the sign, the applicants stated they are willing to decrease the size of their proposed sign to meet regulations.

Commissioner Box made a motion to approve DEV-19-022 with staff conditions limiting the size of the sign to be 4'x4'. Commissioner Holdeman seconded the motion.

ROLL CALL VOTE

Motion passed 8/0, 1 absent

The Board of County Commissioners will consider this item on **May 1, 2019 at 9:00 A.M** in the Leavenworth County Courthouse.

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Case No. DEV-19-024

Consideration of an application for a Special Use Permit for a Landfill and Extraction of Raw materials for a C & D Landfill and Rock Quarry, Flat Land Excavation on a tract of land located in the northwest quarter of Section 20, Township 8 South, Range 21 East of the 6th P.M., in Leavenworth County, Kansas.

Request submitted by Flat Land Excavation, LLC

Also known as 31358 227th Street

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

Krystal Voth gave the staff report for Case DEV-19-024 a Special Use Permit for a Landfill and Extraction of Raw materials, a C & D Landfill and Rock Quarry for Flat Land Excavation. Public Works stated that the road is hard surfaced. Chairman Rosenthal opened the public hearing and asked the applicant to come forward. Christy Britz came forward and asked the board to renew the permit with the change in hour request to put them in line with other quarries in the area. She spoke about the addition of recycling to be environmentally friendly. She stated that she agreed with the conditions and clarified the condition about an employee being onsite only during hours of operation. Chairman Rosenthal asked for comments in favor or opposition of the request. Jo Ann Jones came forward with questions regarding inspections. The public comment portion was closed. The applicant stated on their last inspection in March four items were addressed and they are working to address all of them and they have a follow up inspection coming up to assure they have met them. Commissioners discussed amending the conditions about the hour change.

Commissioner Schwinn made a motion to approve DEV-19-024 with staff conditions changing the hours from 7 AM to 8 PM Monday - Saturday. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE

Motion passed 8/0, 1 absent

The Board of County Commissioners will consider this item on **May 1, 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-19-025

Consideration of an application for a Special Use Permit for custom cabinetry – structure 7,500 square feet or less for Artisan Cabinet Company Inc on a tract of land located in the northwest quarter of Section 13, Township 11 South, Range 21 East of the 6th P.M.,

Request submitted by David Faherty

Also known as 17604 198th St

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

Christa McGaha gave the staff report for Case DEV-19-025 a Special Use Permit for a custom cabinetry business for Artisan Cabinet Company. She brought to the attention that the applicant had not met one of the conditions of the Special Use Permit regarding obtaining a survey to ensure they were out of the flood zone. Public Works asked that they obtain their survey. Chairman Rosenthal opened the public hearing and asked the applicant to come forward. David Faherty came forward as the applicant, he asked about the option to increase the size of the building and if he could do that under this Special Use Permit. Jeff Joseph clarified that the 7,500 structure was just where his request fit into the table of uses unless the commission added a condition that he could increase in size but he would need to get a building permit and he would have to meet all the setbacks. Chairman Rosenthal asked for comments in favor or opposition. The public comment portion was closed.

Commissioner Holdeman made a motion to approve DEV-19-025 with staff conditions allowing the applicant to increase the size of his building up to 7,500 sq.' with a building permit and meeting all setbacks. Commissioner Matthews seconded the motion.

ROLL CALL VOTE

Motion passed 8/0, 1 absent

The Board of County Commissioners will consider this item on **May 1, 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.

Planning Commission is adjourned at 8:02 PM

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