

**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
June 12, 2019**

Meeting called to order at 6:00 pm

Pledge of Allegiance

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

Members absent: Chris Raymos and Jay Schwinn

Staff present: Jeff Joseph-Director, Krystal Voth-Deputy Director, Christa McGaha-Planner, Stephanie Sloop-Planning Coordinator, David Van Parys-Senior County Counselor, Michael Spickelmier-County Engineer

Approval of Minutes:

A motion was made by Commissioner Box and seconded by Commissioner Schmidt to approve the May Planning Commission Meeting minutes. Commissioner Denney offered one correction DEV-19-017, the minutes state the motion was passed 9-0, it was actually passed 8-0, Chairman Rosenthal abstained from that case.

Motion passed, 7-0

Secretary's Report:

Jeff Joseph addressed the Planning Commission updating them on the Comprehensive Plan currently taking place and encouraged them to visit the website and participate in the upcoming community engagements. He also discussed Case DEV-19-008 and informed the Planning Commission that several requests have been made to continue the case and gave the board options on how to proceed. Senior County Counselor addressed the Commission about the case and the requests received.

A motion was made by Commissioner Schmidt to approve the agenda tabling DEV-19-008 SUP for Kaw Valley Sand Plant will be tabled until the July 10, 2019 meeting. Commissioner Matthews seconded the motion to approve the agenda.

Motion passed, 7-0

(Commissioner Denney voted yes but noted that he normally wouldn't vote to table a meeting when there was such a public response but because of the extreme circumstances was in favor of tabling this time. Chairman Rosenthal also agreed with Commissioner Denney's statement.)

Case No. DEV-19-061

Consideration of an application for a Final 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 Street

Request submitted by Herring Surveying

Krystal Voth presented the staff report for Case DEV-19-061 Final Plat for Pride Estates stating that staff is supportive of the general layout and still has the same concerns that they had during the preliminary plat stage. Public Works indicated that the road plans submitted by their engineer is currently under review and are working with them on revisions. He did state a bond would be requested when construction begins and building permits will not be issued until the road has been accepted which is standard practice. Commissioner Labbee expressed concern about a cul-de-sac working with future land plans.

Applicant Joe Herring, Herring Surveying, spoke in favor of the request addressing some of the points that had been discussed.

Commissioner Denney made a motion to approve DEV-19-061, Final Plat for Pride Estates removing condition 1. Commissioner Holdeman seconded the motion.

ROLL CALL VOTE

Motion passed 7/0

(Commissioner Matthews stated that he voted yes but that he did not like to go against staff recommendations.)

The Board of County Commissioners will consider this item on **July 3, 2019 at 9:00 A.M** in the Leavenworth County Courthouse.

Case No. DEV-19-053/054

Consideration of an application of a Preliminary and Final Plat for Linwood Farms, an eight-lot subdivision on a tract of land in the northeast quarter of Section 22, Township 12 South, Range 21 East of the 6th P.M. in Leavenworth County, Kansas

Also known as 00000 Golden Road

Request submitted by Herring Surveying

Christa McGaha presented Case DEV-19-053/054, staff is supportive of this application with some concerns. Public Works did not have any additional comments.

Applicant Herring Survey asked to speak to the Commission. He indicated that he wanted to opportunity to work with Public Works on the RIF, TIF, DIF because of improvements already scheduled to take place on these roads. Clarification was made about the staff's recommendation of approval with concerns.

County Engineer spoke regarding the applicants comment regarding fees paid for improving the road. It was determined that the fees will be worked out before it is heard by the County Commission. Commissioner Denney wants to make sure the arrangements on road fees are determined before it is heard by the Board of County Commissioners.

Commissioner Matthews made a motion to approve DEV-19-053/054; Commissioner Schmidt seconded the motion. Chairman Rosenthal opened the motion up for discussion, it was decided that payment arrangements shall be arranged prior to County Commission and payment shall be made prior to the recording of the plat. Commissioner Matthews and Schmidt agreed to the changes stated. Commissioner Labbee-Holdeman voiced concern that this plat did not meet the agriculture preserve of our plan. Commissioner Denney agreed but said that while it doesn't meet the intent of the Comprehensive Plan however it does meet the zoning.

ROLL CALL VOTE

Motion passed 7/0

The Board of County Commissioners will consider this item on **July 3, 2019 at 9:00 A.M** in the Leavenworth County Courthouse.

Case No. DEV-19-055

Consideration of an application for a Special Use Permit for Financial Services, Fletcher Financial, on a tract of land located in the northwest quarter of Section 16, Township 12 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.

Also known as 17620 Golden Rd

Request submitted by Fletcher Development, LLC

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

Christa McGaha gave the staff report for this case. Public Works had no comment. Chairman Rosenthal opened the public comment portion of this meeting. The applicant came forward stating that he wishes to continue operating as it has been. Chairman Rosenthal asked if anyone wished to speak in favor or protest, seeing none the public comment portion of the hearing was closed.

Commissioner Schmidt made a motion to approve DEV-19-055 with conditions. Commissioner Box seconded the motion.

ROLL CALL VOTE

Motion passed 7/0

The Board of County Commissioners will consider this item on **July 3, 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-19-056

Consideration of an application for a Special Use Permit for childcare, LIFE Learning Academy, on a tract of land located in the northeast quarter of Section 20, Township 11 South, Range 21 East of the 6th P.M., in Leavenworth County, Kansas.

Also known as 22552 Honey Creek Road

Request submitted by Gretchen Meitler

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

Christa McGaha gave the staff report for Case DEV-19-056 a request for a Special Use Permit for LIFE Learning Academy. Clarification was made that this was a new special use request for property neighboring an existing sup by the same applicant.

The applicant was asked to come forward, Gretchen Meitler expressed concerns about some of the conditions. She would like a longer term, possibly mirroring with the expiration of her other SUP. She has concern with the Traffic Impact Fee, she questioned if the fee should apply to her use. Chairman Rosenthal stated the amount is based off the information that was provided in the narrative.

The public hearing was opened and closed.

Commissioner Clark made a motion to approve DEV-19-056 with all staff recommendations changing the duration to mirror the other SUP by the applicant. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE

Motion passed 7/0

(Commissioner Denney voted yes, commenting that he normally does not like to go longer than 5 years on a Special Use Permit but felt it was warranted in this case because of her other SUP. Chairman Rosenthal shared his reasoning.)

The Board of County Commissioners will consider this item on **July 3, 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.

At 7:09 the Planning Commission adjourned and reconvened as the Board of Zoning Appeals.

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

Members absent: Chris Raymos and Jay Schwinn

Staff present: Jeff Joseph-Director, Krystal Voth-Deputy Director, Christa McGaha-Planner, Stephanie Sloop-Planning Coordinator, David Van Parys-Senior County Counselor, Michael Spickelmier-County Engineer

Case No. DEV-19-027

Consideration of an application for a Variance to Rad Frontage on a tract of land located in the southwest quarter of Section 25, Township 11 South, Range 22 east of the 6th P.M., Leavenworth County, Kanas.

Also known as 16036 150th St.

Request submitted by David Howton

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

Krystal Voth gave the staff report for this request. Public Works commented that the driveway has existed for some time and they are supportive of it remaining as is. Chairman Rosenthal opened the public hearing and asked the applicant to come forward. David Howton came forward as the applicant. He explained he wanted to purchase the property but wanted a variance to replace a dilapidated house before he completed the purchase. Chairman Rosenthal asked for individuals wishing to speak in favor or opposition of this request. The public portion of this hearing was closed. Jeff Joseph stated there was no further information to be presented.

Commissioner Denney made a motion to approve the variance request of minimum road frontage for DEV-19-027 stating that it met all criteria for approving variance. Commissioner Matthews seconded the motion.

ROLL CALL VOTE

Motion passed 7/0

Board of Zoning Appeals is adjourned at 7:22 PM