

**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
January 8, 2020**

Meeting called to order at 6:00 pm

Pledge of Allegiance

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

Members absent: None

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

Approval of Minutes:

Corrections were made to the December Planning Commission meeting. A motion was made by Commissioner Bartkoski and seconded by Commissioner Matthews to approve the November Planning Commission minutes with corrections.

Motion to approve passed, 8-0, Commissioner DeMoro abstained.

Secretary's Report:

Krystal Voth informed the Planning Commission asked to pull Case DEV-19-132 & 133 to be pulled off of the consent agenda. Ms. Voth informed the commission that two items were being tabled to next month's meeting and that there was a Variance request, and that two members would have to step down once they reconvene into the Board of Zoning Appeals. There are two upcoming work sessions, January 22nd – Update to the Comprehensive Plan and January 29th – Table of Uses.

A motion was made by Commissioner Schmidt to approve the agenda. Commissioner Labbee-Holdman seconded the motion.

Motion to approve passed, 9/0

Declarations: No Declarations

Case No. DEV-19-132 & 133

Consideration of a Preliminary and Final Plat, Winchester Ridge, an eight-lot plat on a tract of land in the western half of the southwest quarter of Section 11, Township 10 Range 20, East of the 6th P.M., in Leavenworth County Kansas.

Also known as 25078 Fairmount Road

Request submitted by Herring Surveying

Krystal Voth presented the staff report for Case DEV-19-132 & 133, a request for an eight-lot plat. Ms. Voth stated the only reason for pulling this off the consent agenda is the original condition had the incorrect DIF amount. The corrected calculation came in after the packets were mailed out.

The applicant, Mr. Joe Herring, came forward and said he agreed with staff's report and the updated condition.

Commissioner Schmidt moved that the proposed Plat outlined in Case DEV-19-132 & 133 be approved as set forth in the staff report with the change that staff made. Commissioner Matthews seconded the motion.

ROLL CALL VOTE

Motion to approve passed, 9/0

The Board of County Commissioners will consider this item on **January 29, 2020 at 9:00 A.M** in the Leavenworth County Courthouse.

Case No. DEV-19-137

Consideration of a Final Plat for Rock Ridge Estates Phase II, a fourteen-lot plat on a tract of land in the southern half of the southwest quarter of Section 23, Township 11 South, Range 22, East of the 6th P.M. in Leavenworth County, Kansas.

Also known as 00000 158th Street

Request submitted by Herring Surveying

Krystal Voth presented the staff report for Case DEV-19-137 Consideration of a Final Plat for Rock Ridge, Phase II. Ms. Voth explained that this plat is the City of Lansing's secondary growth area and therefore has some additional conditions attached to it.

A discussion was had amongst the Planning Commission about the width of the internal road and lighting requirements.

Chairman Rosenthal asked for the applicant to come forward. Mr. Herring came forward and explained his position on the proposed conditions, specifically about the road width. Chairman Rosenthal asked Mr. David Lutgen to come forward to answer questions about the drainage study.

With no additional information to be presented, Chairman Rosenthal asked if there were any additional comments or questions from the Commission. Commissioners had discussions about if there was a valid need to require street lights, sidewalks, and the widening of the road.

Commissioner Himpel moved that the proposed plat as outlined in the report for Case DEV-19-137 be approved, and that conditions outlined in the staff report be made part of the final plat. Ms. Voth asked for clarification, the staff report made a recommendation for the widening of the road, and if sidewalks were recommended, we needed to specify what type of sidewalks. Commissioner Himpel rescinded his motion. A discussion was had among the Commission about the benefits of widening the road versus sidewalk.

Commissioner Bartkoski moved that the proposed DEV-19-137 Final Plat for Rock Ridge Phase II 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 the conditions set forth in the staff report be amended to widening of the road and street lights. Commissioner Labbee-Holdeman seconded the motion. Further discussion was had about street lights and the widening of the road. Commissioner Bartkoski amended his motion not to include the requirement of widening the road. Commissioner Labbee-Holdeman agreed to the amendment and kept her second.

Commissioner Matthews – No, sidewalks are needed along with lighting.

Commissioner Bartkoski – Yes.

Commissioner Denney – No, regulations say we need to have one of these options. The County Commissioners can decide to waive the requirement at their level. I believe we need to stick to our regulations.

Commissioner DeMoro – No, for the same reasons stated. I believe we need to be the same for everyone.

Commissioner Schmidt – No, I believe we need sidewalks.

Commissioner Himpel – Yes.

Commissioner Labbee-Holdeman – No, I believe we need to standardize this.

Commissioner Spink – Yes.

Chairman Rosenthal – No, I think we need to widen the road.

ROLL CALL VOTE

Motion to approve failed, 3/6, resulting in an automatic denial.

The Board of County Commissioners will consider this item on **January 29, 2020 at 9:00 A.M** in the Leavenworth County Courthouse.

Case No. DEV-19-130

Consideration of an application to rezone a parcel of land from the RR-5 Zoning District to the RR-2.5 Zoning District, on a tract of land in the southwest ¼ of Section 32, Township 11, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.

Also known as 00000 Stillwell Road

Request submitted by Herring Surveying

****Public Hearing Required****

Krystal Voth presented the staff report for Case DEV-19-130, consideration of an application to rezone a parcel of land from RR-5 to RR-2.5. Ms. Voth went through the factors to be considered as they pertain to this case. She shared her concern about the feasibility of the water district, extending their lines to this parcel. Senior County Counselor offered his thoughts that the time of proposed development would be the time that feasibility studies would be done with the proposed developer and the rural water district. Mr. Van Parys agrees with the general recommendation of staff and supports staff recommendation. Commissioners had a discussion with staff and amongst themselves about how this compares with recent rezoning cases, about the Comprehensive Plan and Future Land Use Map, and the way some of our regulations read. Mr. Van Parys pointed out that our regulations do have some anomalies that will require us in the future to do a comprehensive review of our regulations to try to eliminate these confusions.

Chairman Rosenthal asked if the applicant would come forward. Mr. Herring came forward offered insight on some of the concerns that were voiced by Planning Commissioners. He stated that his client is acutely aware of the challenges with infrastructure, and he is already working with the water district to address them. Commissioner DeMoro asked about allowed uses in Single-Family Zoning, specifically schools. Ms. Voth stated that schools are an allowed use. Mr. Van Parys addressed the commission to let them know that while their discussions can be very broad. They should keep their discussions tied to the factors that are to be considered as it relates to the request.

Chairman Rosenthal asked for anyone wishing to speak in favor of this request to come forward. Chairman Rosenthal asked for anyone wanting to speak in opposition of this request. One resident came forward stating his opposition of this request until items discussed tonight are clarified. With no additional information to be presented, the public comment portion of the hearing was closed.

Commissioner Matthews moved that the proposed rezoning as outlined in Case DEV-19-130 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 the staff report be made part of this rezoning. Commissioner Bartkoski seconded the motion. Commissioner Denney inquired if a condition of the rezoning was dependent on the extension of water lines. Mr. Van Parys suggested the motion includes a recommendation that the Board requests an additional study regarding the supply of water. Commissioner Matthews amended his motion. Commissioner Bartkoski accepted the amendment.

ROLL CALL VOTE

Motion to approve passed, 8/1

(Commission DeMoro voted no because it goes against the Comprehensive Plan.)

The Board of County Commissioners will consider this item on **January 29, 2020 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 7:21 PM.

Board of Zoning reconvenes at 7:22 PM

Members present: Steve Rosenthal-Chairman, John Matthews, Janette Labbee-Holdeman, Wolf Schmidt, Terry Bartkoski, Alex DeMoro and Jeff Spink

Members absent: None

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

Case No. DEV-19-127

Consideration of an application for a Variance from the Leavenworth County Zoning and Subdivision Regulations under Article 5 Section 4 which requires a minimum parcel size of five acres and a minimum frontage of 300' on a tract of land located at the east 200 feet, of the south 550 feet, of the west 800 feet, Section 28, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 00000 Gilman Road

Request submitted by Joe Herring

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

Krystal Voth presented the staff report for Case DEV-19-127, an application for Variance from the Leavenworth County Zoning and Subdivision Regulations. Ms. Voth went through the Golden Factors as they pertain to this case.

Chairman Rosenthal opened the public comment portion of the hearing and asked if the applicant would come forward. Mr. Herring came forward and stated that Ms. Voth outlined all the details of the case. County Counselor reflected on the background on how this parcel came to be.

Chairman Rosenthal asked for anyone wishing to speak in favor of this request to come forward. Chairman Rosenthal asked for anyone wishing to speak in opposition to this request.

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

Commissioner Bartkoski moved that the proposed Variance as outlined in Case DEV-19-127 be granted. 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. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE

Motion to approve passed, 7/0

Board of Zoning Appeals is adjourned at 7:32 PM.