

**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
August 5, 2021**

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

Meeting called to order at 5:30 pm

Oath of Office New Members

Pledge of Allegiance

Members present: Steve Rosenthal, Mark Denney, A.W. Himpel, Jeff Spink, Amy Baker, Allan Stork, and Wolf Schmidt

Members absent: Tom Dials

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

Election of Officers:

Commissioner Denney made a motion to elect Steve Rosenthal as Chairman, Commissioner Schmidt seconded the motion.

ROLL CALL VOTE – Motion to approve passed 6/0 (1 abstain, 1 absent, 2 vacancies)

Commissioner Schmidt made a motion to elect Mark Denney as Vice-Chairman, Commissioner Spink seconded the motion.

ROLL CALL VOTE – Motion to approve passed 6/0 (1 abstain, 1 absent, 2 vacancies)

Approval of Minutes:

Commissioner Himpel made a motion to approve the minutes from the previous Planning Commission. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 4/0 (2 abstain, 1 absent, 2 vacancies)

Declarations: Chairman Rosenthal made declarations and stated he would recuse himself from the Board of Zoning Appeals request.

Secretary's Report:

Krystal Voth gave the secretary's report, letting the commission know that there were three cases on the consent agenda, approval of the agenda would approve those cases.

A motion was made by Commissioner Schmidt to approve the agenda. Commissioner Denney seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 6/0 (1 absent, 2 vacancies)

Case DEV-21-062

Consideration of an application for a Special use Permit for a Contractor's Yard for Westland Construction, Inc, on a tract of land located in the Southwest ½ of Section 27, Township 10 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.

Also known as 20510 163rd Street

Ms. Voth presented the facts and findings for the above request bringing it to the Planning Commission attention that because this request does not match the Comprehensive Plan that staff was recommending denial of this request.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. Mr. Breuer came forward to described the nature of his business and answer questions about his request.

Chairman Rosenthal asked if there was anyone that wished to speak in support of the request. Chairman Rosenthal asked if there was anyone wishing to speak in opposition. Chairman Rosenthal closed the public portion of the hearing and asked if there was further discussion.

Discussion was had between the commission about approving this use and uses like this that have been in operation prior to the adoption of the new comprehensive plan.

Commissioner Himpel made a motion to approve Case DEV-21-062 changing the condition about the duration of time to be 3 years and that this would be his final Special Use Permit. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE Motion to approve passed, 6/0 (1 absent, 2 vacancies)

The Board of County Commissioners will consider this item on **August 25, 2021 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 DEV-21-063

Consideration of an application for a Special Use Permit for a Contractor's Yard for Schuetz Construction located on a tract of land in the southeast Quarter of section 36, Township 11 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.

Request submitted by Mr. and Mrs. Schuetz

Also known as 14833 142nd Street

Mr. Gentzler presented the facts and findings for the above request, stating that staff recommended denial of this request due to the fact that the request does not match the Comprehensive Plan.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. Mrs. Julie Schuetz came forward to explain the nature of their request and that the property was purchased with the intent to operate their business at the site. She stated she is asking for 20 years because she was advised by the Commission to ask for 20 years at their next renewal. She also requested that emergency hours be included in their conditions.

Chairman Rosenthal asked if there was anyone that wished to speak in support of the request. Resident Randy Evans spoke in support of the request. Chairman Rosenthal asked if there was anyone wishing to speak in opposition. Resident Mike McDonald came forward with his concerns. Chairman Rosenthal closed the public portion of the hearing and asked if there was further discussion.

Commissioner Himpel made a motion to approve DEV-21-063 changing the condition to the hours to include emergency hours, Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 6/0 (1 absent, 2 vacancies)

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Case DEV-21-071

Consideration of an application for a Special Use Permit for a Contractor's Laydown Yard for Dave's Plus Construction, LLC, on a tract of land in the East Half of Section 9, Township 11, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

Request submitted by Mr. Curtis Witt and Mr. Shannon Witt

Also known as 18429 166th Street

Ms. Voth presented the facts and findings for the above request, stating that staff recommended denial of this request due to the fact that it is not in line with the Comprehensive Plan.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. The applicant, Curtis Witt, came forward and explained the nature of this request.

Chairman Rosenthal asked if there was anyone that wished to speak in support of the request. Chairman Rosenthal asked if there was anyone wishing to speak in opposition. Chairman Rosenthal closed the public portion of the hearing and asked if there was further discussion.

Commissioners discussed where contractor yards should move to if the Comprehensive Plan doesn't support them in the locations they are currently. Commissioner Himpel stated that existing Special Use Permits could be allowed and that new applicants that haven't had a Special Use Permit before be the uses that you deny.

Commissioner Himpel made a motion to approve DEV-21-071, stating that it met all the Golden Factors, the conditions set forth in the staff report be part of this Special Use Permit, changing the conditions to read that it be a 10-year permit. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 6/0 (1 absent, 2 vacancies)

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Case DEV-21-086

Consideration of an application for a Special Use Permit for a RV and Boat Storage Unit on a tract of land located in the Northeast Quarter of Section 3, Township 9, Range 21 East of the 6th P.M., in Leavenworth County, Kansas.

Also known as 00000 254th Street

Ms. Voth presented the facts and findings for the above request. Ms. Voth said that staff was supportive of this request because the adjacent zoning is B-3.

Commissioners asked if there were other outdoor storage facilities. Ms. Voth stated that there were several RV & Boat Storage businesses and that they were primarily outdoor facilities.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. Mr. Ledford came forward and explained the nature of his request.

Chairman Rosenthal asked if there was anyone that wished to speak in support of the request. Chairman Rosenthal asked if there was anyone wishing to speak in opposition. Chairman Rosenthal closed the public portion of the hearing and asked if there was further discussion.

Commissioner Denney made a motion to approve DEV-21-086, going through the golden factors and stating that it met the Comprehensive Plan. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 6/0 (1 absent, 2 vacancies)

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Case DEV-21-046

Consideration of an application for a rezoning request from RR-5 to RR-2.5 Zoning District on a tract of land in the South ½ of the Southwest ½ of Section 33, Township 9 South, Range 22 East in Leavenworth County, Kansas.

Also known as 24450 171st Street

Ms. Voth presented the facts and findings for the above request. Ms. Voth did let the Commissioners know that this use matched the Comprehensive Plan and that staff was supportive of approval.

Ms. Voth presented the facts and findings for the above request. She stated that the future land use map identified this as being 3-units per acre which is significantly smaller lots than requested. The County Commission has been very clear that when the request is for less dense than what is called for that staff should be supportive. Ms. Voth did go over some difficulties the property owner may have if they pursue dividing this parcel. Clarification was made that tonight they were only looking at the rezoning request, not future development.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. Mr. Joe Herring came forward and explained his request and stated that they are trying to get the property more in-line with the Comprehensive Plan.

Chairman Rosenthal asked if there was anyone that wished to speak in support of the request. Chairman Rosenthal asked if there was anyone wishing to speak in opposition. Neighboring residents came forward to speak in opposition. Chairman Rosenthal closed the public portion of the hearing and asked if there was further discussion.

Commissioner Himpel made a motion to approve DEV-21-046 going through the golden factors and stating that it met the Comprehensive Plan and Future Land Use Map. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 6/0 (1 absent, 2 vacancies)

The Board of County Commissioners will consider this item on **August 25, 2021 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 DEV-21-067

Consideration of an application for a rezoning request from RR-5 to RR-2.5 Zoning District on a tract of land in the Fractional Southwest Quarter of Section 1, Township 8 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 24257 Millwood Road

Mr. Gentzler presented the facts and findings for the above request, stating staff was supportive of this request and that it did match the Comprehensive Plan.

Commissioners asked if the rezoning was for the whole parcel or a portion of it. Staff clarified it was just for a small portion and the intent was to preserve farmland.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. Mr. Joe Herring came forward and explained his request and stated that they are trying to get the property more in-line with the Comprehensive Plan.

Chairman Rosenthal asked if there was anyone that wished to speak in support of the request. Chairman Rosenthal asked if there was anyone wishing to speak in opposition. Neighboring residents came forward to speak in opposition. Chairman Rosenthal closed the public portion of the hearing and asked if there was further discussion.

Commissioner Denney made a motion to approve DEV-21-067 going through the golden factors and stating that it met the Comprehensive Plan and Future Land Use Map. Commissioner Baker seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 6/0 (1 absent, 2 vacancies)

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Case DEV-21-100

Consideration of Amendments to the 2006 Leavenworth County Zoning and Subdivision Regulations: Article 19 – Table of Uses

Ms. Voth presented the facts and findings for the above request, going through the reasons to make the requested changes.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if there was anyone that wished to speak in support of the request. Chairman Rosenthal asked if there was anyone wishing to speak in opposition. Chairman Rosenthal closed the public portion of the hearing and asked if there was further discussion.

Commissioner Schmidt made a motion to approve DEV-21-100, Commissioner Stork seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 6/0 (1 absent, 2 vacancies)

The Board of County Commissioners will consider this item on **August 25, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

Planning Commission was adjourned and the Board of Zoning Appeals reconvened.

Members present: Mark Denney, A.W. Himpel, Jeff Spink, Amy Baker, Allan Stork, and Wolf Schmidt

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

Case DEV-21-070

Consideration of a request of a Variance from the Leavenworth County Zoning and Subdivision Regulations under Article 5, Section 4, which requires minimum road frontage of 200', on a tract of land located in the Northwest Quarter of Section 15, Township 11 South, Range 21 of the 6th P.M in Leavenworth County, Kansas.

Mr. Gentzler presented the facts and findings for the above request, going through the reasons for wanted to make the requested changes.

Vice-Chairman Denney opened the public hearing portion of the hearing and asked if there was anyone that wished to speak in support of the request, then asked if there was anyone wishing to speak in opposition. The public portion of the hearing was closed. Vice-Chairman Denney reminded the commission that they were the final decision board and this was not forwarded to the Board of County Commissioners. He then asked if there was further discussion.

Commissioner Schmidt made a motion to approve DEV-21-100, Commissioner Stork seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 6/0 (1 absent, 2 vacancies)

Board of Zoning Appeals adjourned at 7:45 PM