LEAVENWORTH COUNTY PLANNING COMMISSION

**MINUTES OF THE REGULAR MEETING**

### August 12, 2021

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

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

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

**Minutes:**

*Commissioner Schmidt made a motion to approve the August 5th Minutes. Commissioner Baker seconded that motion.*

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

**Secretary’s Report:**

Amy Allision 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. Ms. Allison also asked the Commission to make an official note that meetings would start at 5:30 beginning in September.

*A motion was made by Commissioner Schmidt to move future meeting start times to 5:30 pm. Commissioner Himpel seconded the motion.*

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

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

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

**Case DEV-21-108 & 109 Ward’s Ridge**

**Consideration of an application for a Preliminary and Final Plat – Ward’s Ridge on the following described property: A tract of land in the northeast fractional quarter of Section 5, Township 11 South, Range 21 East of the 6th P.M., in Leavenworth County, Kansas.**

**Also known as 00000 Hatchell Road**

Amy Allison presented the facts and findings for the above request bringing it to the Planning Commission attention that because this plat was not on the consent agenda because it did need to be heard by the Tonganoxie Planning Commission for approval before it could be sent to the Board of County Commissioners.

Chairman Rosenthal asked if the applicant if they wanted to come forward. Joe Herring, Herring Surveying, came forward to answer questions about this request.

Chairman Rosenthal said if there was no further discussion he would accept a motion.

**Commissioner Himpel made a motion to approve Case DEV-21-108 & 109, the motion was seconded by Commissioner Stork.**

**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.

**Case DEV-21-102**

**Consideration of an application for sign permits for Basehor-Linwood USD 458 for the following described property: Lot 1 of the South Elementary Plat, in Leavenworth County, Kansas.**

**Also known as 14440 178th Street**

Joshua Gentzler presented the facts and findings for the above request.

Chairman Rosenthal asked Chairman Rosenthal asked the applicants if they wished to speak. Representatives of School District 458 came forward to explain the nature of their requests.

Chairman Rosenthal said if there was no further discussion he would accept a motion.

***Commissioner Himpel made a motion to approve DEV-21-102 a request for signs, Commissioner Schmidt seconded the motion.***

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

**Case DEV-21-093**

**Consideration of an application for a Special Use Permit for a Boat Storage Facility. The Special Use Permit request is for the following described property: A tract of land in the Southwest Quarter of Section 29, Township 11 South, Range 22 East of the 6th P.M. in Leavenworth County, Kansas.**

**Also known as 15829 174th Street**

Joshua Gentzler 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, Jeff Dusselier 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.

***Commissioner Himpel made a motion to deny DEV-21-093, due to the fact that it does not meet the Comprehensive Plan. Commissioner Schmidt seconded the motion.***

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

The Board of County Commissioners will consider this item on **September 1, 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-21-106**

**Consideration of an application for a rezoning request from the RR-5 zoning district to the RR-2.5 zoning district of the following described property: A tract of land in the Southeast Quarter of Section 15, Township 12 South, Range 20 East of the 6th P.M.in Leavenworth County, Kansas.**

**Also known as 25800 Linwood Road**

Joshua Gentzler presented the facts and findings for the above request, stating that staff was supportive of this request as it was in conformance with the Comprehensive Plan.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. Joseph Herring, Herring Surveying 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. One resident came forward to speak, to in opposition but bringing a concern about access to his property. The Commission let him know that it wasn’t part of this rezoning request. Other residents came forward to voice their opposition and concerns. The applicant came forward to address the 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-21-106, 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)**

The Board of County Commissioners will consider this item on **September 1, 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-21-116**

**Consideration of an application for amendments to the 2006 Leavenworth County Zoning and Subdivision Regulations:**

**Article 3 – Definitions**

**Article 19 – Table of Uses**

**Article 57 – Renewable Energy Conversion Systems**

Joshua Gentzler presented the facts and findings for the above changes to the Zoning Regulations.

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 Himpel made a motion to approve DEV-21-116, 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 **September 1, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

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

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

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

**Case DEV-21-101**

**Consideration of a request of a Variance from the Leavenworth County Zoning and Subdivision Regulations under Article 41, Section 6 which requires a minimum parcel size of 3 acres for a second driveway.**

**Also known as 16963 Auburn Court**

Joshua Gentzler presented the facts and findings for the above request.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. The applicant came forward and explained the reason for his request. Chairman Rosenthal then 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. The Chairman 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 Himpel made a motion to deny DEV-21-101, Commissioner Schmidt seconded the motion.***

**ROLL CALL VOTE - Motion to deny passed, 5/1 (1 absent, 2 vacancies)**

**Board of Zoning Appeals adjourned at 7:11 PM**