

**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
October 13, 2021**

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

Meeting called to order at 5:30 pm

Pledge of Allegiance

Oath of Office New Members

Members present: Steve Rosenthal, Mark Denney, Jeff Spink, Amy Baker, Allan Stork, Wolf Schmidt, Tom Dials, Robert Owens, and Jaden Bailey

Members absent: Rocky Himpel

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

Administrative Business:

Amy Allison presented a summary of the By-laws to the Planning Commission. Ms. Allison also went over language that was approved in the Resolution for the make-up of the Planning Commission and how it tied into the by-laws.

Commissioner Stork made a motion to adopt the By-Laws. Commissioner Schmidt seconded that motion.

ROLL CALL VOTE - Motion to approve passed, 8/0 (1 absent)

Minutes:

Commissioner Schmidt made a motion to approve the September Minutes. Commissioner Baker seconded that motion.

ROLL CALL VOTE - Motion to approve passed, 8/0 (1 absent)

Secretary's Report:

Amy Allison gave the secretary's report, going over the consent agenda and regular agenda.

Commissioner Bailey made a declaration that he was approached on Johnson Corner Plat. He stated that it would not influence how he voted on the matter.

Chairman Rosenthal made a declaration that he is the applicant/agent for one of the cases and that he was going to step down for the meeting. Commissioner Denney would act as Chairman in his absence.

Commissioner Dials made a motion to approve the agenda. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 7/0 (1 absent)

Case DEV-21-093 Dusselier Boat Storage

Re-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 (PID: 189-29-0-00-00-010.01)

Amy Allison went over the history of this request. At the Board of County Commissioner's September 1 Meeting, after reviewing this case, there was a recommendation of approval that did not pass. After that motion

did not pass there was a motion made to send this request back to the Planning Commission for reconsideration of the factors. They did not specify which factors to look at but did leave it up to this board to reconsider if the Planning Commission desired to do so.

County Counselor let the Commission know that to open the public hearing it would be required to table this to a later date in order to make public notifications.

Commissioners discussed reconsideration. It was decided by the commission that without new information and not being able to open the public comment they did not feel there was anything to reconsider.

Based on no new information presented, Commissioner Schmidt made a motion to not change the recommendation of denial. Commissioner Baker seconded the motion.

ROLL CALL VOTE Motion passed, 7/0 (1 absent)

The Board of County Commissioners will consider this item no earlier than **October 27, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

Case DEV-21-144/145 Redford Addition

Consideration of a Preliminary and Final Plat – Redford Addition on the following described property: A tract of land in the Southwest Quarter of Section 16, Township 8 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.

Also known as 16669 Santa Fe Trail (PID: 075-16-0-00-03-003.00)

Amy Allison presented the facts and findings for the above request, stating that staff's recommendation was approval.

Chairman Denney asked the applicant if they wished to speak.

The Planning Commissioners discussed the request with staff answering questions.

Chairman Denney said with no further discussion he would accept a motion.

Commissioner Schmidt made a motion to approve DEV-21-144/145. Commissioner Dials seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 7/0 (1 absent)

The Board of County Commissioners will consider this item no earlier than **October 27, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

Case DEV-21-131 Kraemer & Sons

Consideration of an application for a Special Use Permit for a Contractor's Yard. The Special Use Permit request is for the following described property: The South half of the North Half of the Southeast Quarter of the Northeast Quarter of Section 24, Township 10 South, Range 21 East of the 6th P.M. in Leavenworth County, Kansas.

Also known as 21655 187th Street (PID: 146-24-0-00-00-013.02)

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

*****Public Comment limited to three minutes per person*****

Amy Allison presented the facts and findings for the above request. Ms. Allison explained that because the request does not match the future land use map that staff's recommendation of this request was denial.

Chairman Denney asked the applicant if they wished to speak. Mr. Kraemer came forward to answer questions about the request and to explain the nature of his request.

Chairman Denney asked if there was anyone that wished to speak in support of the request. Several residents and representatives from the water districts came forward to speak in support of this request. Chairman

Denney asked if there was anyone wishing to speak in opposition. Chairman Denney closed the public portion of the hearing and asked if there was further discussion.

The Commission discussed that while this use does not match the Comprehensive Plan, it is a service that is vital to have in the community. Chairman Denney stated that the definition of this request was a Special Use Permit, and this does fall into that. Chairman Denney said if there was no further discussion he would accept a motion.

Commissioner Dials made a motion to approve DEV-21-131, with the conditions proposed by staff. Commissioner Bailey seconded the motion.

ROLL CALL VOTE - Motion to approved passed, 7/0 (1 absent)

The Board of County Commissioners will consider this item no earlier than **November 3, 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.

Case DEV-21-133 Seymour Rezoning

Consideration of an application for a rezoning request from the RR-2.5 zoning district to the B-3 zoning district of the following described property: A tract of land in the North ½ of the East ½ of the NE 1/4 of Section 13, Township 10 South, Range 22 East of the 6th PM, Leavenworth County.

Also known as 00000 139th Street (PID: 156-13-0-00-00-001.00)

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

*****Public Comment limited to three minutes per person*****

Amy Allison presented the facts and findings for the above request. Ms. Allison let the Commission know that staff supported the approval of this request.

Chairman Denney asked the applicant if they wished to speak. Mr. Steven Rosenthal explained the nature of this request.

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

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

Commissioner Schmidt made a motion to approve DEV-21-133. Commissioner Owens seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 5/2 (1 absent)

Commissioner Bailey and Commissioner Spink voted no stating without a plan of what was going to go there they didn't support the request.

The Board of County Commissioners will consider this item no earlier than **November 3, 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.

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

Members present: Mark Denney, Jeff Spink, Amy Baker, Allan Stork, Tom Dials, Robert Owens, and Jaden Bailey

Case DEV-21-123

Consideration of a request for a Variance from the Leavenworth County Zoning and Subdivision Regulations under Article 5, Section 4.6 which requires a maximum allowed lot coverage of 2.5% for accessory building and structures.

Also known as 25013 164th Street (PID: 108-33-0-00-00-006.09)

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

*****Public Comment limited to three minutes per person*****

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

Members of the Board of Zoning Appeals asked for clarification on parts of the amendment. Discussion was had amongst Staff, County Counselor, and the board regarding the amendment and enforcement of the amendment.

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. Chairman Denney asked if there was anyone wishing to speak in opposition. Chairman Denney closed the public portion of the hearing and asked if there was further discussion.

Commissioner Owens made a motion to approve DEV-21-123 stating that he felt that the application meets criteria A - E, Commissioner Dials seconded the motion.

ROLL CALL VOTE - Motion to approve failed, 3/4

Board Members Baker, Stork, Bailey, and Denney voted no. All citing that they did not feel it fit the criteria State Statue has outlined that it must fit.

Board of Zoning Appeals adjourned at 8:02 PM