LEAVENWORTH COUNTY PLANNING COMMISSION

**MINUTES OF THE REGULAR MEETING**

### November 10, 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, Tom Dials, Rocky Himpel, and Jaden Bailey

**Members absent**: Robert Owens and Wolf Schmidt

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

**Minutes:**

*Commissioner Denney made a motion to approve the October Minutes. Commissioner Dials seconded that motion.*

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

**Secretary’s Report:**

Amy Allision gave the secretary’s report, going over the consent agenda and regular agenda.

*Commissioner Himpel stated he would abstain from the Harman Farms Plat. Commissioner Dials stated that he would abstain from the CW Lawns request. Commissioner Himpel made a motion to approve the agenda. Commissioner Dials seconded the motion.*

**ROLL CALL VOTE -Motion to approve passed, 7/0 (2 absent)**

**Case DEV-21-130 Vacation of Pierce Division Lot 7**

Consideration of an application for a Vacation of a Public Drainage Easement. The Vacation request is for the following described property: Lot 7 of Pierce Division in Leavenworth County, Kansas.

**Also known as 00000 Stillwell Road**

Josh Gentzler went over the nature of this request.

The public hearing was open and closed without public comment.

**Commissioner Himpel made a motion to approve the request. Commissioner Baker seconded the motion.**

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

**Case DEV-21-161 & 162 Preliminary and Final Plat Grey’s Corner**

Consideration of a Preliminary and Final Plat – Grey’s Corner on the following described property: A tract of land in the south ½ of the southwest ¼ of Section 33, Township 9 South, Range 22 East, more fully described as follows: Beginning at the southwest corner of said southwest ¼, thence north 00 degrees 00’00” east for a distance of 330.74 feet along the west line of said southwest 1/4 , thence north 89 degrees 14’ 43” east for a distance of 662.76, then south 00 degree 00’ 57” west for a distance of 331.02 feet to the south line of said southwest ¼, thence south 89 degrees 16’ 10” west for a distance of 662.67 feet along said south line to the point of beginning, in Leavenworth County, Kansas.

**Also known as 24450 171st Street**

Amy Allison presented the facts and findings for the above request, a two-lot subdivision.

Chairman Rosenthal asked the applicant if they wished to speak. Mr. Herring, Herring Surveying came forward to answer any questions or concerns.

With no further questions or discussion, Chairman Rosenthal asked for a motion.

***Commissioner Stork made a motion to approve DEV-21-161 & 162. Commissioner Himpel seconded the motion.***

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

*(Commissioner Denney and Dials recommended denial due to the man-made nature of the exceptions.)*

The Board of County Commissioners will consider this item no earlier than **November 24, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

*Commissioner Himpel abstained from this portion of the meeting.*

**Case DEV-21-163 Harman Farms Replat**

Consideration of a replat of lots within the Harman Farms Subdivision. The Replat request is for the following described property: Lots 6, 7, & 8 of Harman farms in Leavenworth County, Kansas.

**Also known as 22398 Honey Creek Road**

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

Chairman Rosenthal asked the applicant if they wished to speak. Mr. Herring, Herring Survey came forward to answer questions about the request and to explain the nature of this request. Rosenthal asked staff about the timing of annexation and requiring the property to hook up to City Water and Sewer. Gentzler replied that those actions would take place during the development of the properties.

With no further questions or discussion, Chairman Rosenthal asked for a motion.

***Commissioner Stork made a motion to approve DEV-21-163, Commissioner Dials seconded the motion.***

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

The Board of County Commissioners will consider this item no earlier than **November 24, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

**Case DEV-21-160 Forever Fencing**

Consideration of an application for a Special Use Permit for a Contractor’s Yard on the following described property: A tract of land in the Northwest Quarter of Section 27, Township 10 South, Range 20 East of the 6th P.M, in Leavenworth County, Kansas.

**Also known as 25701 Donahoo Road**

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

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

Josh Gentzler presented the facts and findings for the above request. Mr. Gentzler let the Commission know that staff’s recommendation of this request was for denial.

Chairman Rosenthal opened the public portion of the hearing and asked the applicant if they wished to speak. The applicant, along with their attorney came forward to address the Commission. A letter of support was read into record. It was stated that the applicant agreed to the conditions of this Special Use Permit in the event the request is approved.

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.

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

***Commissioner Stork made a motion to approve DEV-21-160. Commissioner Bailey seconded the motion.***

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

*(Commissioner Baker voted no because it does not match the Future Land Use Plan and Comprehensive Plan. Commissioner Himpel voted no because of the timeline of them complying)*

The Board of County Commissioners will consider this item no earlier than **December 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.**

*Commissioner Dials abstained from this portion of the meeting.*

**Case DEV-21-165 CW Lawns**

Consideration of an application for a Special Use Permit for a Landscaping, Lawn Care, Lawn Maintenance, Snow Removal, and Related Business on the following described property: A tract of land in the Southeast corner of the Southeast Quarter of Section 33, Township 9 South, Range 22 East of the 6th P.M, in Leavenworth County, Kansas.

**Also known as 24619 163rd Street**

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

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

Amy Allision presented the facts and findings for the above request. Ms. Allison let the Commission know that staff’s recommendation of this request was for denial based on the Future Land Use Map.

County Counselor addressed the Commission letting them know they might see a change in the renewal process in the near future.

Chairman Rosenthal opened the public portion of the hearing and asked the applicant if they wished to speak. The applicant came forward to address the Commission.

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.

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

***Commissioner Himpel made a motion to approve DEV-21-165. Commissioner Baker seconded the motion.***

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

The Board of County Commissioners will consider this item no earlier than **December 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.**

**Case DEV-21-148 Rezoning Request from RR-5 to RR-2.5**

Consideration of a rezone request from RR-5 Zoning District to the RR-2.5 Zoning District on a tract of land in the Northwest Quarter of the Southwest Quarter of Section 13, Township 12 South, Range 20 East of the 6th P.M., in Leavenworth County, Kansas.

**Also known as 00000 246th Street**

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

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

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

Chairman Rosenthal opened the public portion of the hearing and asked the applicant if they wished to speak. The applicant came forward to address the Commission, explaining 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. A neighboring property owner came forward to ask clarifying questions. Chairman Rosenthal closed the public portion of the hearing.

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

***Commissioner Himpel made a motion to approve DEV-21-148. Commissioner Dials seconded the motion.***

**ROLL CALL VOTE - Motion to approve passed 7/0 (2 absent)**

The Board of County Commissioners will consider this item no earlier than **December 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.**

**Case DEV-21-155 Rezoning Request from B-2 to B-3**

**Consideration of a rezone request from B-2 Zoning District to the B-3 Zoning District of Lot 3, Block 2, Hill Estates, in Leavenworth County, Kansas.**

**Also known as 17800 State Avenue**

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

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

Amy Allison presented the facts and findings for the above request.

County Counselor addressed the Planning Commission letting them know the history of past development on this parcel.

Chairman Rosenthal opened the public portion of the hearing and asked the applicant if they wished to speak. Mr. Herring came forward to address the Commission, explaining 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.

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

***Commissioner Himpel made a motion to approve DEV-21-155. Commissioner Baker seconded the motion.***

**ROLL CALL VOTE - Motion to approve passed 7/0 (2 absent)**

The Board of County Commissioners will consider this item no earlier than **December 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.**

**Planning Commission adjourned at 7:06 PM**