

**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
February 10, 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, Wolf Schmidt, John Matthews, Terry Bartkoski, Alex DeMoro, and Tom Dials

Members absent: none

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

Approval of Minutes:

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

ROLL CALL VOTE - Motion to approve passed, 9/0

Secretary's Report:

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

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

ROLL CALL VOTE - Motion to approve passed, 9/0

Declarations: No further declarations

Case DEV-20-147(CoolHeat KC)

Consideration of an application for a Special Use Permit for CoolHeat KC, a HVAC repair service located on a tract of land in the Southeast ¼ of Section 27, Township 11, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.

Request submitted by Richard Rogers

Also known as 15890 Linwood Road

Krystal Voth presented the staff report for the above-referenced case.

Chairman Rosenthal opened the public hearing portion of the case and asked if the applicant wished to speak. Mr. Rodgers came forward to answer questions and stated that he agreed with the staff's conditions. Chairman Rosenthal asked for people wanting to speak in favor of this request or opposition of this request to come forward. Jeff Storm came forward to speak in opposition to the request. Chairman Rosenthal closed the public hearing.

A discussion was had among the commission about the requested building and the parcel's condition regarding the storage of material outside.

Commissioner Himpel made a motion to approve DEV-20-147 for CoolHeat KC. Modifying staff condition 2, changing it to read the applicant shall have completed the structure by September 1, 2021. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 9/0

The Board of County Commissioners will consider this item on **March 3, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

Case DEV-20-159 (Bed and Breakfast)

Consideration of an application for a Special Use Permit for a Bed & Breakfast located on a tract of land in the Southeast ¼ of Section 18, Township 9 South, Range 22 East of the 6th P.M. in Leavenworth County Kansas.

Request submitted by Douglas and Kendra DeLashmutt

Jared Clements presented the staff report for the above-referenced case.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. The applicants came forward and agreed with staff conditions. They also explained the nature of their use. Chairman Rosenthal asked for people to come forward to speak in favor or opposition. Chairman Rosenthal closed the public hearing portion of the meeting.

Commissioner Matthews made a motion to approve DEV-20-159 for the Bed and Breakfast. Commissioner Bartkoski seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 9/0

The Board of County Commissioners will consider this item on **March 3, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

Case DEV-21-002 (FreeState Electric Solar Farm)

Consideration of an application for a Special Use Permit for an electrical substation for FreeState Electric Solar Farm on a tract of land located in the Southeast ¼ of Section 26, Township 10 South, Range 2 East of the 6th P.M. Leavenworth County, Kansas.

Request submitted by FreeState Electric Cooperative

Krystal Voth presented the staff report for the above-referenced case.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. Applicant Eric Wylie, FreeState Electric, came forward. Commissioners asked questions about the project, one of which being if the reflection were a safety concern. The applicant explained the use and addressed concerns. The applicant also stated they agreed with the conditions. Chairman Rosenthal asked if there was any other public comment. The public hearing was closed.

Commissioner Denney asked about the requirement of a bond. The applicant explained that part of their agreement is that if this ever ceases to be a solar field, they have no more than one year to put the land back in the original condition. County Counselor said that the agreement is sufficient and explained that the County would have avenues to pursue if ever needed.

Commissioner Bartkoski made a motion to approve DEV-21-002 a SUP for FreeState Electric. Commissioner Matthews seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 9/0

The Board of County Commissioners will consider this item on **March 3, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

Case DEV-20-137 (Rezone – McCall)

Consideration of an application for a rezoning request from the RR-5 district to the RR-2.5 District on a tract of land located in the Northeast Quarter of Section 4, Township 10 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.

Request submitted by Herring Surveying

Jared Clements presented the staff report for the above-referenced case. The Commission asked for clarification about the rezoning shape and intent. Mr. Clements explained that the belief is that the intent is to keep as much land as farm ground as possible while selling the home to a family member.

Chairman Rosenthal opened the public hearing portion meeting and asked if the applicant/agent wished to speak. Beth McCall came forward. She explained the layout, and the reason for her request was to keep as much farm ground as possible while selling her nephew the house and 2.5 acres. She said it is their wish to keep the family farm together. Joe Herring, Herring Surveying, came forward to answer some questions about parcel size and lot-to-depth ratio. Chairman Rosenthal asked if there were people present wishing to speak in favor or opposition. Mr. Barrett came forward to speak in opposition. The public hearing was closed.

A discussion was had about the next step in the development process and the conditions and requirements that would come during a platting process that would address some of the concerns brought up during public comment.

Commissioner Himpel made a motion to approve DEV-20-137 a rezoning request. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 7/2

(Commissioner Matthews voted no his reasoning was this wasn't the process that should be used.

Commissioner Dials voted no stating that there should be a simpler process that would satisfy the neighbors)

The Board of County Commissioners will consider this item on **March 3, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

Planning Commission adjourned at 7:14 PM.