

**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
June 9, 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, John Matthews, Terry Barkoski, Tom Dials and Wolf Schmidt

Members absent: Alex DeMoro

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

Approval of Minutes:

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

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

Secretary's Report:

Krystal Voth gave the secretary's report, letting the commission know that there were two cases on the consent agenda, approval of the agenda would approve those cases. Ms. Voth thanked Mr. Matthews for his years of service as a Planning Commissioner.

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

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

Declarations: No declarations

Case DEV-21-030 & 031

Consideration of an application for a Preliminary and Final Plat for Sunny Side Estates, located on all of Lot 1A, Heartland Estates, in Leavenworth County, Kansas.

Also known as 00000 Evans Road

Ms. Voth presented the facts and findings for the above request bringing it to the Planning Commission attention that the proposed development does not meet the current Access Management Policy.

Chairman Rosenthal asked the applicant if they would like to address the commission. Mr. Joe Herring came forward.

Commissioner Bartkoski made a motion to deny Case DEV-21-030 & 031, Commissioner Himpel seconded the motion.

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

The Board of County Commissioners will consider this item on **June 23, 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-21-022

Consideration of an application for a Special Use Permit for an Athletic Training Facility, located on a tract of land in the Northwest Quarter of Section 32, Township 10 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.

Request submitted by Mr. and Mrs. Trent West

Also known as 19897 178th Street

Mr. Gentzler presented the facts and findings for the above request, stating that staff recommended denial of this request.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. Mr. West 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. Several people came forward in person and via phone to speak in support of this 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 Bartkoski made a motion to approve DEV-21-022, stating that he believed that it did not change the nature of the neighborhood and that it would be a benefit to the community. Commissioner Himpel seconded the motion. Commissioner Bartkoski stated the conditions that he wanted adopted with this request.

ROLL CALL VOTE - Motion to approve passed, 5/3 (1 absent)

(Commissioner Matthews voted no to approve based on his belief that this was not the right area. Commissioner Denney voted to approve, stating his determining factor was that it was deemed that Public Works determined with the amount of traffic generated that a traffic study was not needed. Commissioner Himpel and Chairman Rosenthal voted no because it did not follow the Comprehensive Plan. Chairman Rosenthal also voted no because of the road type.)

The Board of County Commissioners will consider this item on **June 30, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

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Case DEV-21-055

Consideration of an application for a Special Use Permit for a Target Range for archery lessons and pro shop for bow maintenance, on Lots 15, Lots 43-46, and parts of Lots 47 and 48 in Northwoods at Timber Lakes AND a tract of land in the Southeast quarter of Section 24, Township 11 South, Range 22 East of the 6th P.M. in Leavenworth County, Kansas.

Request submitted by Mr. Silverstein

Also known as 14702 Timber Lane

Mr. Gentzler presented the facts and findings for the above request, stating that staff recommended denial of this 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 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 approve DEV-21-055, stating that it met all the Golden Factors. Commissioner Himpel also edited the condition about hours of operation to read, "as lighting conditions permit." Ms. Voth asked Commissioner Himpel to include his specific reasons for recommending approval as it goes against staff recommendation. Commissioner Himpel withdrew his motion. Commissioner Denney made a motion to approve Case DEV-21-055 with staff recommendations, changing condition two with verbiage laid out by County Counselor. Commissioner Denney stated that the applicant owned property all around where the activity was going to take place. He also stated that the HOA has given their support of this request, he stated that the increase in traffic didn't seem to be a concern, there is a gain to economic development by providing a service to the County. This use is allowed with a Special Use Permit in residential zoning. Commissioner Barkoski seconded the motion.

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

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Case DEV-21-019

Consideration of an application for a rezoning request from RR-5 zoning districts to RR-2.5 zoning district on a tract of land in the Southeast Quarter of the Southeast Quarter of Section 15, Township 11 South, Range 20 East of the 6th P.M., Leavenworth County.

Request submitted by David Lutgen

Also known as 00000 254th Street

Ms. Voth 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. Mr. Joe Herring came forward and explained his request and stated that this followed 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-21-019, going through the golden factors and stating that it met the Comprehensive Plan. Commissioner Matthews seconded the motion.

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

The Board of County Commissioners will consider this item on **June 30, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

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Case DEV-21-051

Consideration of an application for a rezoning request from RR-2.5 zoning district to the B-3 zoning district on a tract of land in the Northwest quarter of the Northeast quarter of Section 12, Township 11 South, Range 21 East of the 6th P.M. in Leavenworth County.

Request submitted by Red Fuel Repair

Also known as 19393 State Ave

Mr. 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. Mr. Joe Herring came forward and explained his request and stated that this followed 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-21-051, 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, 8/0 (1 absent)

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Meeting was adjourned at 8:40 p.m.