

**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
September 21, 2022**

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

Meeting called to order at 5:30 pm

Pledge of Allegiance

Swearing in of new member: Steve Skeet

Members present: Mark Denney, Alan Stork, Wolf Schmidt, Jeff Spink, Robert Owens, Marcus Majure, and Steve Skeet

Members absent: Steve Rosenthal, Jaden Bailey, and Tom Dials

Staff present: Krystal Voth-Director, Amy Allison-Deputy Director, Stephanie Sloop-Planning Coordinator, David Van Parys-Senior County Counselor

Community present (that signed in): John Wagner, Jerry Willburn, Beverylee Willburn, Mike Goetz, Julie Eastburn, Sterling and Vicki Browning, Russell Kimberlin, Mark Kimberlin, Chris Jackson, Bennie Papa, Steve Campbil, John Amrein, Mike Fulkerson, Carrie Fulkerson

Minutes:

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

ROLL CALL VOTE - Motion to approve the minutes passed, 5/0, Commissioner Skeet abstained.

Secretary's Report:

Krystal Voth gave the secretary's report, noting that there four cases on the consent agenda and one item had been tabled. She also brought attention to one Board of Zoning Appeals case.

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

ROLL CALL VOTE - Motion to approve the agenda passed, 6/0

Case DEV-22-097 Consolidated Water District 1

Consideration of an application for a Special Use Permit for Consolidated RWD 1 on the following described property: A tract of land in the northeast quarter of Section 23, Township 10 South, Range 22 Est of the 6yh P.M., Leavenworth County, KS.

Krystal Voth presented the factors that brought the case before the Planning Commission.

Chairman Denney asked if the applicant would like to speak. Mr. Joe Herring, Herring Surveying came forward to explain the nature of their request and answer any questions. Chairman Denney opened the public comment portion of the hearing and asked if anyone wished to speak in favor or opposition of the request.

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

Commissioner Stork made a motion to approve Case DEV-22-097 Special Use Permit for Consolidated Water District 1 based on the Golden Factors. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve passed 6/0.

The Board of County Commissioners will consider this item no earlier than **October 12, 2022 at 9:00 A.M** in the Leavenworth County Courthouse.

Case DEV-22-111 Rezone Request RR-5 to RR-2.5 (Willburn)

Consideration of a Rezone from RR-5 to RR-2.5 on the following described property: An undivided eighteen (18) acres in the following described tract of land, to-wit: The West ½ of the Northeast ¼ of Section 26, Township 11 South, Range 21 East of the 6th P.M., less that used for public road AND ALSO The East 84 acres of the Northwest ¼ of Section 26, Township 11 South, Range 21 East of the 6th P.M., LESS A tract beginning at the Southwest corner of the East 84 Acres of the said Northwest ¼; thence North 511.24 feet, thence East 511.24 feet; thence South 511.24 feet; thence West 511.24 feet to the place of beginning' less that part used for public road AND A tract of land in the West ½ of the Northeast Quarter of Section 26, Township 11, South, Range 21 East of the 6th P.M. in Leavenworth County, Kansas.

Also known as 20130 & 20090 Douglas Road

Krystal Voth presented the facts and findings for the above request.

Chairman Denney asked if the applicant would like to speak. Joe Herring with Herring Survey came forward to answer questions about the request. Chairman Denney opened the public comment portion of the hearing and asked if anyone wished to speak in favor or opposition of the request. Several residents came forward to give public comment.

Discussion was had amongst the Commissioners.

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

Commissioner Majure made a motion to approve DEV-22-111 as written. Commissioner Owens seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 6/0

The Board of County Commissioners will consider this item no earlier than **October 12, 2022 at 9:00 A.M** in the Leavenworth County Courthouse.

Case DEV-22-115 Rezone Request RR-5 to RR-2.5 (Calovich)

Consideration of a Rezone from RR-5 to RR-2.5 on the following described property: The North Half of the Southwest Quarter of Section 25, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas. EXCEPT: A tract in the North Half of the Southwest Quarter of Section 25, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, described as: Beginning at the Southwest corner of the North Half of the Southwest Quarter; thence South 89 degrees 46'24" East 1,056.00 feet along the South line of the North Half of said Southwest Quarter; thence North 00 degrees 19'44" East of 330.00 feet; thence North 89 degrees 46'24" West 1,056.00 feet to the West line of the Southwest Quarter; thence South 00 degrees 19'44" West 330.00 feet to the beginning. EXCEPT part taken or used for road.

Also known as 00000 & 20682 195th Street (PID: 147-25-0-00-00-007.00 & 147-25-0-00-00-008.00)

Krystal Voth presented the facts and findings for the above request.

Chairman Denney asked if the applicant would like to speak. Joe Herring with Herring Survey came forward to answer questions about the request. Chairman Denney opened the public comment portion of the hearing and asked if anyone wished to speak in favor or opposition of the request.

Discussion was had amongst the Commissioners.

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

Commissioner Stork made a motion to approve DEV-22-115 as written. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 6/0

The Board of County Commissioners will consider this item no earlier than **October 12, 2022 at 9:00 A.M** in the Leavenworth County Courthouse.

**Case DEV-22-116 Rezone Request RR-5 to RR-2.5 (Browning Harnett)
Consideration of a Rezone from RR-5 to RR-2.5 on the following described property: Lots 1 & 2, J & A Farms, a subdivision in Leavenworth County, Kansas.
Also known as 21278 & 21242 Dempsey Road (PID: 142-04-0-00-01-007.01 & 142-04-0-00-01-007.02**

Krystal Voth presented the facts and findings for the above request.

Chairman Denney asked if the applicant would like to speak. Joe Herring with Herring Survey came forward to answer questions about the request. Chairman Denney opened the public comment portion of the hearing and asked if anyone wished to speak in favor or opposition of the request. Several residents came forward to give public comment.

Discussion was had amongst the Commissioners.

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

Commissioner Stork made a motion to approve DEV-22-116 as written. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 6/0

The Board of County Commissioners will consider this item no earlier than **October 12, 2022 at 9:00 A.M** in the Leavenworth County Courthouse.

Planning Commission adjourned at 6:14 PM

Board of Zoning Appeals is called to order at 6:15 PM

Members present: Mark Denney, Alan Stork, Robert Owens, Marcus Majure, Jeff Spink and Steve Skeet

Staff present: Krystal Voth – Director, Amy Allison-Deputy Director, Stephanie Sloop-Planning Coordinator, David Van Parys-Senior County Counselor

**Case DEV-22-114 Streeter – Water Well Minimum Acreage Requirement
Consideration of an application for a Variance from Article 50, Section 20 and Sanitary Code, Chapter 5, Article 2, Section I on the following described property: The SE ¼ of Section twenty-one (21), Township eleven (11) South, of Range twenty-two (22) East of the 6th p.m., Leavenworth County, Kansas.
Also known as 16465 166th Street (PID: 185-21-0-00-00-011.00)**

Krystal Voth went over the application and the nature of this request.

Chairman Denney opened the public comment portion of the hearing and asked for the applicant to come forward. Mitchell Streeter came forward as the applicant to answer questions about the request. Chairman Denney asked if anyone wished to speak in favor or opposition of the request. Individuals came forward to speak in both favor and in opposition. Chairman Denney closed the public hearing.

Discussion was had amongst the Commission. County Counselor gave clarification on the Board of Zoning Appeals and what their decision would mean upon the request of Commissioner Denney.

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

Commissioner Stork made a motion to approve DEV-22-114. Commissioner Owens seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 4/2.

Commissioner Majure and Commissioner Spink voted against approval based on testimony they gave during discussion.

Board of Zoning Appeals adjourned at 7:16 PM.