

**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
January 11, 2023**

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

The Planning Commission meeting was called to order at 5:30 p.m.

Pledge of Allegiance

Members present: Steve Rosenthal, Robert Owens, Jaden Bailey, William Gottschalk, Wolf Schmidt, Jeff Spink, Marcus Majure, Doug Tystad, and Alan Stork

Members absent: Steve Skeet

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

Minutes:

Commissioner Tystad made a motion to approve the minutes. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve the minutes passed, 6/0 (Commissioner Owens and Bailey Abstained, Commissioner Skeet Absent)

Secretary's Report:

Amy Allison gave the secretary's report going over the agenda, making note that there were three items on the consent agenda.

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

ROLL CALL VOTE - Motion to approve the agenda passed, 8/0 (1 Absent)

Case DEV-22-145 J & A Farms Replat

Amy Allison gave the staff report for the above-listed case, stating that the recommendation for this request was denial.

Chairman Rosenthal asked if there were any questions from the board. Chairman Rosenthal asked if the applicant wished to address the board.

Mr. Joseph Herring came forward to explain the nature of the request and answer any questions. Discussion was had among the commission, applicant, and Ms. Allison about the history of this parcel and a recent rezoning request for this parcel. Commissioner Owens stated that this case was an example of how we should not recommend something like a rezoning to then turn around and deny the subdivision. If we aren't going to approve one he stated that we shouldn't approve either. County Counselor David Van Parys advised that our regulations take into account that there will be situations where there will be a need for a deviation to the parallel lines rules, he stated that while staff had reasons to give their recommendation of denial but that the Planning Commission is not bound to staff's recommendation.

Chairman Rosenthal said that he would accept a motion.

Commissioner Stork motioned to approve Case DEV-22-145 J & A Farms Replat. Commissioner Owens seconded the motion.

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

The Board of County Commissioners will consider this item no earlier than **January 25, 2023, at 9:00 A.M** in the Leavenworth County Courthouse.

Case DEV-22-155

Consideration of an application for a Special Use Permit for an Event Center on the following described property: A tract of land in the Southwest Quarter of Section 3, Township 11 South, Range 21 East of the 6th P.M. in Leavenworth County, Kansas.

Amy Allison gave the staff report for the above-listed case.

Chairman Rosenthal asked if there were any questions or discussions from the board. Hearing none the public hearing was opened and the applicant/agent was invited to come forward. Mr. and Mrs. Dan and Cindy Lynch came forward to describe the request and answer any questions from the board.

Commissioner Rosenthal asked if there was anyone present wishing to speak in favor or opposition. Public comment was given by several residents. The public comment portion of the hearing was closed. Discussion was had between the Planning Commission about the recommendation of fire suppression.

Chairman Rosenthal said he would accept a motion if there were no further discussions on this request.

Commissioner Stork motioned to approve Case DEV-22-155 Special Use Permit for Whiskey Ridge. Commissioner Schmidt seconded the motion.

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

The Board of County Commissioners will consider this item no earlier than **February 1, 2023, at 9:00 A.M** in the Leavenworth County Courthouse.

Case DEV-22-156

Consideration of an application for a Special Use Permit for an Extraction of Raw Materials and Landfill use on the following described property: A tract of land in the Northeast Quarter of Section 33, Township 8 South, Range 22 East of the 6th P.M. in Leavenworth County, Kansas.

Amy Allison gave the staff report for the above-listed case.

Chairman Rosenthal asked if there were any questions or discussions from the board. Hearing none the public hearing was opened and the applicant/agent was invited to come forward. Matt Kaaz came forward to describe the request and answer any questions from the board. The applicant discussed the conditions that were listed and changes to some of them such as number of trips and employees. Discussion was had between the Planning Commission and the applicant. County Counselor David Van Parys asked that the following condition be added to this SUP and all future Special Use Permits that is considered by the County, have this condition, "Developers will not allow, maintain, or cause, any public nuisance to be present on site."

Commissioner Rosenthal asked if there was anyone present wishing to speak in favor or opposition. Public comment was given in both support and opposition. The public comment portion of the hearing was closed.

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

Commissioner Gottschalk motioned to table Case DEV-22-156 a Special Use Permit for Lexeco to the April Planning Commission Meeting to give adequate time for the Kansas Department of Transportation to respond to the change in number of vehicles and to allow time for staff to visit the other landfill site to make sure that it is complying with their conditions. Further discussion was had between the commission and county staff. Commissioner Owens seconded the motion. The motion was amended to table the request until the March 8, 2023 meeting. Commissioner Owens accepted the change.

ROLL CALL VOTE - Motion to table the request passed 8/0

The meeting adjourned at 7:03 p.m.