

**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
November 13, 2024**

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: Jeff Spink, Doug Tystad, Allan Stork, Chairman Marcus Majure, William Gottschalk, Dan Clemons, Jaden Bailey and Steve Rosenthal. (Absent: Steve Skeet and Robert Owens)

Staff present: John Jacobson-Director, Amy Allison-Deputy Director, Josh Schweitzer-Development Planner, Dawn Chamberlain-Planning Coordinator, Misty Brown-County Counselor

Minutes: Commissioner Tystad made a motion to approve the minutes and Commissioner Stork seconded that motion.

Amendment to Minutes: Commissioner Rosenthal made a motion to correct "typos" in Minutes of previous Planning Commission meeting. It was mentioned that there were a couple places where a Motion passed 7/2 with two abstained, which was incorrect based upon all Commissioners were present at October 9 Planning Commission meeting. Commissioner Tystad seconded the Motion giving Planning staff the opportunity to make the appropriate corrections to Minutes of October 9 meeting.

ROLL CALL VOTE – Motion to the approve amendment to minutes passed, 7/0 (2 absent).

Counselor's Report: Misty Brown addressed the Commission and those in attendance that there is a full agenda and because they are all land use matters, they are quasi-judicial matters. To clarify, Ms. Brown stated all due processes to make sure decisions are made with the Golden Factors in mind and articulate reasons for decisions while voting.

Secretary's Report: Amy Allison outlined two items on the consent agenda. There are nine items on the regular agenda, of which five are Public Hearing items. Ms. Allison reminded the audience that if they plan to speak, they need to be sure to add their name and address to the sign-in sheet. There were also handouts given to the public.

Declarations: None

Approval of Agenda: Commissioner Stork made a motion to approve the Agenda and Commissioner Tystad seconded the motion.

ROLL CALL VOTE: Motion to approve the agenda passed. 7/0 (2 absent).

Regular Agenda

A. Case DEV-24-120 Creten Tract Split Exceptions

Consideration of an Exception for a tract of land in the Southwest Quarter of Section 27, Township 11 South, Range 21, East of the 6th P.M., in Leavenworth County, Kansas.

Also known as: 15812 214th Street

Amy Allison gave the staff report, outlining the details of the request. The applicants are requesting to split approximately 15 acres of land. Because of the lot depth to width requirement cannot be met and the irregular shape of the proposed tract, Ms. Allison mentioned Planning Commission would be approve the request with exceptions.

Commissioner Tystad motioned to approve and Commissioner Clemons seconded for Exception 1: Lot-depth to lot-width

ROLL CALL VOTE: Motion to approve passed 7/0 (2 absent).

Commissioner Clemons motioned to approve and Commissioner Tystad second for Exception 2: Irregular shaped lot.

ROLL CALL VOTE: Motion to approve passed 7/0 (2 absent).

B. Case DEV-24-122 Lansing Boundary Line Adjustment Exception

Consideration of an Exception for tracts of land in the West Half of the East Half of the Northeast Quarter of Section 15, Township 8 South, Range 21, East of the 6th P.M., in Leavenworth County, Kansas.

Also known as: 20453 & 20437 Seven Sisters Rd

Josh Schweitzer gave the staff report, outlining the applicants are requesting an exception from the zoning regulation. Commissioner Tystad confirmed the lot depth of the property in question.

Commissioner Bailey motioned to approve the Exception and Commissioner Tystad seconded.

ROLL CALL VOTE: Motion to approve passed 7/0 (2 absent).

C. Case DEV-24-132/133 Thomas Farms Preliminary and Final Plat

Consideration of a Preliminary & Final Plat for a Minor Subdivision in the Northeast Quarter of Section 26, Township 10 South, Range 22, East of the 6th P.M. in Leavenworth County, Kansas.

Also known as: 00000 147th St.; 20807 147th St.

Amy Allison gave the staff report for the above-listed case, outlining the no access off of Donahoo Road and that the applicant is proposing a shared access from 147th St. for Lots 1 & 2. Exceptions are needed for a non-conforming structure on Lot 3 and the lot-depth to lot-width of Lot 4.

Commissioner Rosenthal motioned to approve Exception 1: Non-confirming structure and Commissioner Bailey seconded.

ROLL CALL VOTE: Motion to approve passed 7/0 (2 absent).

Commissioner Bailey motioned to approve Exception 2: Lot-depth to lot-width and Commissioner Clemons seconded.
Commissioner

ROLL CALL VOTE: Motion to approve passed 7/0 (2 absent).

Commissioner Tystad motioned to approve Preliminary and Final Plat with amendment and Commissioner Bailey seconded.

ROLL CALL VOTE: Motion to approve passed 7/0 (2 absent).

D. Case DEV-24-118 Gilbert Rezone

Consideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning district on the following described property: A tract in the Southeast Quarter of Section 18, Township 9, Range 22, in Leavenworth County, Kansas; AND A tract of land in the Northeast Quarter of Section 19, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

Also known as: 18289 & 00000 Eisenhower Rd

Amy Allison gave the staff report for the above-listed case, outlining the applicant's request.

Chairman Majure opened Public Hearing.

Surveyor Joe Herring and property owner provided further details. Several surrounding property owners stated opposition to the rezone request.

Chairman Majure closed the Public Hearing.

Commissioner Stork motioned to approve request and Commissioner Tystad seconded.

ROLL CALL VOTE: Motion failed 4/3 (2 absent).

Commissioner Bailey voted no because Factors 1 was not met.

Commissioner Stork voted yes.

Commissioner Gottschalk voted no due to Factor 1 and Factor 3 not being met.

Commissioner Spink voted no, Factor 1.

Commissioner Tystad voted yes.

Commissioner Clemons voted no, Factor 1 and 3. Also, opposition to the request.

Commissioner Rosenthal voted yes.

E. Case DEV-24-126 Kooser Family Living Trust Rezone

Consideration of a rezoning request from RR-5 zoning district to R-1 (43) zoning district on the following described property: The Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Seventeen (17) Township Eleven (11) South Range Twenty-Two (22) East of the Sixth P.M., Less Right-of-Way, in Leavenworth County, Kansas.

Also known as: 17675 Evans Rd

Amy Allison gave the staff report for the above-listed case, outlining the applicant's rezone proposal.

Chairman Majure opened Public Hearing.

Joe Herring further outlined applicant's request. Several surrounding property owners spoke in opposition of the rezone request.

Chairman Majure closed Public Hearing.

Commissioner Stork motioned for the approval of the request. Commissioner Spink seconded.

ROLL CALL VOTE: Motion passed 5/2 (2 absent).

Commissioner Bailey voted no, Factors 1, 2 and 6.

Commissioner Stork voted yes.

Commissioner Gottschalk voted yes.

Commissioner Spink voted yes.

Commissioner Tystad voted yes.

Commissioner Clemons voted yes.

Commissioner Rosenthal voted no. Too far away from the City or public sewers.

Break with readjourn at 7:50pm

F. Case DEV-24-127 Ditty Rezone

Consideration of a rezoning request from PR-2 zoning district to RR-5 zoning district on the following described property: The South ½ of the East ½ of the West ½ of the Northwest ¼ of Section 32, Township 11, Range 21, in Leavenworth County, Kansas

Also known as: 22856 Woodend Rd

Amy Allison gave the staff report for the above-listed case, outlining the applicant's rezone proposal.

Chairman Majure opened Public Hearing.

Surveyor Joe Herring further outlined sanitary and utility options. One surrounding property owner raised concerns regarding the rezone.

Director John Jacobson explained the history of the property (to the best of his knowledge), stating the anticipated uses have not yet surfaced. The current state of density and utility connections that would be necessary was further explained.

Chairman Majure closed the Public Hearing.

Commissioner Stork motioned to approve request and Commissioner Clemons seconded the motion.

ROLL CALL VOTE: Motion passed 7/0 (2 absent).

G. Case DEV-24-128 GM Investment Rezone

Consideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning district on the following described property: Lot 1, Smith's Corner, a subdivision in Leavenworth County, Kansas.

Also known as: 19575 Mitchell Rd

Josh Schweitzer gave the staff report mentioning Staff recommends approval of the request.

Chairman Majure opened the Public Hearing.

Surveyor Joe Herring outlining that his client (the property owner) is aware of access requirements in the rezone.

Several property owners spoke in opposition; one stating the concern of safety with the intersection and bicycle lane nearby. Having two driveways vs. one was raised as a concern. Josh Schweitzer and John Jacobson clarified the difference in lot size in question.

Chairman Majure closed the Public Hearing.

Commissioner Stork motioned to approve rezone request and Commissioner Clemons seconded.

ROLL CALL VOTE: Motion passed 4/3 (2 absent).

Commissioner Bailey voted no. Factors 1 and 2.

Commissioner Stork voted yes.

Commissioner Gottschalk voted no. Factors 1 and 2.

Commissioner Spink voted yes.

Commissioner Tystad voted no. Factors 1 and 6.

Commissioner Clemons voted yes.

Commissioner Rosenthal voted yes.

H. Case DEV-24-131 T&R Investments Rezone

Consideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning district on the following described property: Two tracts of land in the Northwest 1/4 of Section 15, Township 8 South, Range 21 East of the 6th PM, in Leavenworth County, Kansas.

Also known as: 00000 Easton Rd

Josh Schweitzer gave the staff report of the rezone request, outlining the concept plan. KDOT and Public Works have concerns about access to the relevant roads adjacent to the property in question, particularly on 207th Street. Staff has reviewed the request while considering the Golden Factors and Staff is recommending approval of the rezone request.

Chairman Majure opened the Public Hearing.

Surveyor Joe Herring added further details including future boundary line adjustments and KDOT and Public Works would be involved.

Several surrounding property owners spoke in opposition raising concerns about safety and the need of new schools. A school district employee raised the issue of fatalities near Easton and K7. Another property owner raised concern about water contamination if the rezone is approved.

Chairman Majure closed the Public Hearing.

Commissioner Stork motioned approval of the request in consideration of the Golden Factors. Commissioner Tystad seconded.

ROLL CALL VOTE: Motion passed 6/1 (2 absent).

Commissioner Bailey voted no. Factors 1, 2 and 7.

Commissioner Stork voted yes.

Commissioner Gottschalk voted yes.

Commissioner Spink voted yes.

Commissioner Tystad voted yes.

Commissioner Clemons voted yes.

Commissioner Rosenthal voted yes.

I. Case DEV-24-116 Kaaz Rezone – Returned from BOCC

Reconsideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning district on the following described property: Three tracts of land in the Northwest ¼ of Section 19, Range 22 East of the 6th P.M., in Leavenworth County, Kansas & The North ½ of the North ½ of the Southwest ¼ of Section 19, Township 9, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.

Also known as: 18415 Eisenhower Rd.

Amy Alison gave the staff report of the rezone request, mentioning the matter has been addressed at the Board of County Commissioner's meeting, and the matter was remanded to the Planning Commission with a specific directive; to consider Golden Factor One (parcel sizes in the surrounding area).

Counsel Misty Brown expressed that State statute governs due process when an item is remanded back to the Planning Commission. In doing so, a statement is required as to what is requested of the Commission. Counselor Brown also referred to clarification to the issue of the parcel in question did not meet the character of the neighborhood; specifically because other surrounding properties were of smaller acreage. Discussion ensued.

Commissioner Rosenthal motioned to approve the request and Stork seconded.

ROLL CALL VOTE: Motion passed 4/3 (2 absent).

Commissioner Bailey voted no.

Commissioner Stork voted yes.

Commissioner Gottschalk voted no.

Commissioner Spink voted yes.

Commissioner Tystad voted yes.

Commissioner Clemons voted no.

Commissioner Rosenthal voted yes.

Adjournment of Planning Commission at 9:06pm.