

**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
December 11, 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: Allan Stork, William Gottschalk, Jeff Spink, Doug Tystad, Robert Owens, Chairman Marcus Majure, Steve Skeet, Dan Clemons, and Steve Rosenthal. (Absent: Jaden Bailey)

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

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

ROLL CALL VOTE – Motion to the approve the minutes passed, 6/0 (Owens and Skeet abstain, 1 absent).

Secretary's Report: Amy Allison outlined three items on the consent agenda, two exceptions and one public hearing on the regular agenda. Two items on the BZA agenda.

Declarations: Commissioner Stork declared his ownership of a plat on the Consent Agenda. He will abstain from voting on the Consent Agenda.

Approval of Agenda: Commissioner Clemons made a motion to approve the Agenda and Commissioner Gottschalk seconded the motion.

ROLL CALL VOTE: Motion to approve the agenda passed. 7/0 (1 abstain).

Regular Agenda

A. Case DEV-24-135 Boundary Line Adjustment Exception - Lamb

Consideration of a Boundary Line Adjustment Exception in the Northeast Quarter of Section 10, Township 12 South, Range 21, East of the 6th P.M., in Leavenworth County, Kansas.

Also known as: 13963 206th Street

Secretary's Report: Amy Allison outlined the Boundary Line Adjustment and Exception request. Applicant is requesting to adjust the boundary line to bring both parcels into compliance with zoning regulation of RR-2.5.

Commissioner Tystad motioned to approve the Exception Lot-depth to lot-width conformance with zoning regulations. Commissioner Skeet seconded.

ROLL CALL VOTE: Motion to approve the request passed. 8/0 (1 absent).

B. Case DEV-24-145 Tract Split Exception - Owen

Consideration of a Tract Split Exception in the Northwest Quarter of Section 16, Township 12 South, Range 21, East of the 6th P.M., in Leavenworth County, Kansas.

Also known as: 21995 Loring Road

PID: 225-16-0-00-00-007.00

Secretary's Report: Josh Schweitzer outlined the Exception request, a lot-depth to lot-width ratio of a property line. Applicant is requesting to split off a 5-acre tract for a family member to build a house. The tract of land in its current configuration is not compliance with regulations.

Commissioner Tystad motioned to approve the Exception Lot-depth to lot-width conformance with zoning regulations. Commissioner Skeet seconded.

ROLL CALL VOTE: Motion to approve the request passed. 8/0 (1 absent).

C. Case DEV-24-134 Valenzuela/Altenhofen Rezone

Consideration 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 Quarter of Section 35, Township 11 south, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

Also known as: 20500, 20426 & 00000 Woodend Road

Secretary's Report: Josh Schweitzer outlined the rezone request from RR-5 to RR-2.5. The property owner's request would bring them into compliance with the road frontage requirement in the RR-2.5 district. The Staff reviewed the Five Factors regarding this request.

Commission Tystad questioned access of the request. Josh Schweitzer explained that parcel has an existing entrance and will not need an additional entrance.

Chairman Majure opened the Public Hearing.

Surveyor Joe Herring outlined that the property owner does not intend to build a new structure on the property. Commissioner Tystad asked Mr. Herring if the structure (building) was in compliance. Amy Alison confirmed they have an active flood plain permit and that the structure is in compliance.

There were no further comments in favor or opposition of the request.

Chairman Majure closed the Public Hearing.

County Counselor's Report: Misty Brown reminded those in attendance that they need to articulate their reasons for approving or denying the request.

Commissioner Tystad motioned to approve the rezone based upon the compliance of Golden Factors. Commissioner Stork seconded.

ROLL CALL VOTE: Motion to approve the request passed. 8/0 (1 absent).

**Adjournment of Planning Commission at 5:50pm.
Commissioners Owens and Clemons depart.**

Board of Zoning Appeals

1. Roll Call

Members present: Allan Stork, William Gottschalk, Jeff Spink, Doug Tystad, Chairman Marcus Majure, Steve Skeet, and Steve Rosenthal.

2. Regular Agenda

A. Case DEV-24-144 Variance CityScope Road Frontage and Lot-Width to Lot-Depth

Consideration of a Variance request from Article 5, Section 4 and Article 50, Section 40.3.i. of the Leavenworth County Zoning & Subdivision Regulations on the following described property: A tract of land in the Southwest Quarter of Section 11, Township 12, Range 22 East of the 6th p.m., in Leavenworth County, Kansas.

Also known as: 15514 Loring Road

Secretary's Report: Amy Allison outlined the variance request, and mentioned the property was split via deed recently. The property is not in compliance of the frontage requirement or lot-depth to lot-width regulation. Staff has provided an analysis of the zoning request. No major comments were received by

another department. Director John Jacobson addressed the Planning Commission stating the lot split was done prior to the current property owners owning the parcel.

Chairman Majure opened the Public Hearing portion of the meeting. Jeff Barker with CityScape outlined that the property has a non-repairable dilapidated structure and the property owner is seeking the variance for the purpose of taking the structure down and constructing a new home. No one spoke in favor nor opposition of the variance request.

Commissioner Tystad clarified the history, current zoning and the easement of the property. Deputy Director Amy Allison stated the property is over 2.5 acres, which is compliant. However, the frontage is currently not compliant.

Chairman Majure closed the Public Hearing portion of the meeting.

Commissioner Stork motioned to approve the request for a variance from Article 50, Section 40.3.i: Lot-width to lot-depth. Commissioner Tystad seconded.

ROLL CALL VOTE: Motion to approve the request passed. 6/0.

Commissioner Tystad motioned to approve the request for a variance from Article 5, Section 4: Lot Frontage based upon the Factors provided by the Planning Staff. Commissioner Skeet seconded.

ROLL CALL VOTE: Motion to approve the request passed. 6/0.

B. Case DEV-24-146 Variance Thomas Farm Entrance Spacing

Consideration of a Variance request from Article 41, Section 6, Exhibit B of the Leavenworth County Zoning & Subdivision Regulations on the following described property: Lot 3, Thomas Farm Subdivision, except the South 671.03 feet thereof, a subdivision in Leavenworth County, Kansas.

Also known as: 00000 147th Street

Secretary's Report: Amy Allison outlined the variance request, and mentioned the property was platted at the last meeting and the matter was approved. At that meeting, it was noted there would be a potential entrance spacing problem and a separate action would be required. The parcel is located on a high-volume County collector road with a spacing requirement of 300 feet. The parcel to the north currently has an existing entrance of 236 feet and does not meet the 300 feet spacing requirement. However, there is an under-road culvert that goes under the road and has output on that side of the road plus utilities that would limit the lot's ability to have an entrance at the 300 feet spacing requirement. Public Works reviewed access and did not raise concerns with this request. Staff has provided analysis of the Five Factors.

Commissioner Tystad asked for clarification of exactly where the proposed entrance would be added. Amy Allison clarified a more specific location. Commissioner Stork stated that the request is based primarily on drainage. John Jacobson replied that there are physical obstructions in multiple areas where the applicant could access their entrance points at the appropriate 300 feet range. And that is why Planning & Zoning has involved Public Works to determine the safest point to gain access.

Chairman Majure opened the Public Hearing portion of the meeting.

Applicant Cody Herbster outlined the drainage issues of the parcel in question. Cody thanked Staff for their time and spoke about how the drainage works on the parcel. Cody provided more details on that portion of 147th where the driveway is located. Cody added that the drainage is located at the bottom of that area and that they are not sharp hills. Cody measured the area to determine vehicular visibility as a driver. Cody determined that visibility driving southbound is reached at approximately 1,300 feet (or .25 mile). While driving northbound, visibility is reached closer to .28 or .29 mile (or 1,450 feet).

Matt Burnett, 16110 152nd Street, Bonner Springs, spoke in favor of the proposed driveway. Matt stated that he measured and drove as far as possible to the north while attempting not to get into the culvert. Matt offered photos for the Planning Commission to review. No one spoke in opposition of the proposed entrance.

Commissioner Stork motioned to approve the request for a variance from Article 41, Section 6, Exhibit B: Residential Entrance Spacing in accordance with all Factors provided. Commissioner Gottschalk seconded the motion.

ROLL CALL VOTE: Motion to approve the request passed. 6/0.

Commissioner Rosenthal motioned for adjournment and Commissioner Tystad seconded the motion. Motion passed 6/0.

Adjournment of the Board of Zoning Appeals at 6:15pm.