

**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
May 8, 2019**

Meeting called to order at 6:00 pm

Pledge of Allegiance

Members present: Steve Rosenthal-Chairman, Mark Denney, Louis Box, Wolf Schmidt, Jay Schwinn, Janette Labbee – Holdeman, David Clark, Chris Raymos and John Matthews.

Members absent: None

Staff present: Jeff Joseph-Director, Krystal Voth-Deputy Director, Christa McGaha-Planner, Stephanie Sloop-Planning Coordinator, David Van Parys-Senior County Counselor

Approval of Minutes:

***A motion was made by Commissioner Box and seconded by Commissioner Labbee-Holdeman to approve the February Planning Commission Meeting minutes.
Motion passed, 8-0, 1 abstain***

Secretary's Report:

Jeff Joseph informed the Commission that there was no secretary's report this month.

***A motion was made by Commissioner Matthews and seconded by Commissioner Schmidt to approve the agenda.
Motion passed, 9-0,***

Declarations – Chairman Rosenthal said he was abstaining on Case DEV-19-017 and asked Commissioner Denney to take over for that case.

Case No. DEV-19-034

**Consideration of an exception to Article 26, Accessory Dwelling Unit, on a tract of land in the southeast quarter of Section 33, Township 10 South, Range 22 East of the 6th P.M. in Leavenworth County
Also known as 16366 Parallel Road
Request submitted by Roger and Donna McCrory**

Krystal Voth presented the staff report for Case DEV-19-034, recommending approval of this exception.

Commissioner Matthews inquired who follows up with the conditions of the inspection, which Krystal Voth explained that a compliance deposit is required for the duration of the second dwelling and also that an affidavit would be filed.

Mrs. McCrory came forward to explain the nature of her request that, it was to help care for her husband so he could continue to live on the property.

Commissioner Raymos made a motion to approve DEV-19-034, Commissioner Clark seconded the motion. Commissioner Matthews asked for clarification on the types of structures that could be either turned into a second residence or built on the property.

ROLL CALL VOTE

Motion passed 9/0

Case No. DEV-19-037

Consideration of an application to rezone a Parcel of land from the RR-2.5 Zoning District to a Planned Unit Development on a tract of land in the northeast quarter of Section 25, Township 10 South, Range 22 AND Lot 3 of Janice Voight Subdivision East of the 6th P.M., in Leavenworth County.

**Also known as 14131 Mitchel Court
Request submitted by Cary W. Eldridge
Public Hearing Required**

Krystal Voth informed the Planning Commission that when she gave her staff report she would also be giving her staff report for Case DEV-19-035/036 a Preliminary and Final Plat for Eldridge Estates to help explain the nature and reasoning for the requests. Both cases will need to be voted on separately.

Chairman Rosenthal asked Counselor Van Parys if there were any legal implications, Mr. Van Parys outlined different challenges this parcel faces, because of the many challenges staff came up with the option of PUD. County Counselor stated that the Planning Commission shouldn't be concerned about setting precedence with this case because it already existed and is a very unique situation.

Jeff Joseph stated that the PUD was the only solution that staff could come up with and with a PUD it gives the County a little control.

Chairman Rosenthal opened the public comment portion of the hearing and the applicant Cary Eldridge came forward and expressed his inherited these issues and was trying to bring it into compliance. Chairman Rosenthal asked for people to speak in favor or opposition of this request. The public hearing was closed.

Commissioner Matthews made a motion to approve DEV-19-037; Commissioner Labbee-Holdeman seconded the motion. Commissioner Denney expressed concern of staff saying that since the structures were already there we were not going to make them tear them down. The Commission discussed that there are checks in place to assure that things like this don't happen today.

ROLL CALL VOTE

Motion passed 9/0

The Board of County Commissioners will consider this item on **May 29, 2019 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 No. DEV-19-035/036

**Consideration of Preliminary and Final Plat for Eldridge Estates, a four-lot subdivision on a tract of land in the northeast quarter of Section 25, Township 10 South, Range AND Lot 3 of Janice Voight Subdivision East of the 6th P.M., in Leavenworth County
Also known as 14131 Mitchel Court
Request submitted by Atlas Surveyors**

Commissioner Schwinn made a motion to approve DEV-19-035/036. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE

Motion passed 9/0

The Board of County Commissioners will consider this item on **May 29, 2019 at 9:00 A.M** in the Leavenworth County Courthouse.

Chairman Rosenthal recused himself at 6:30 PM

Case No. DEV-19-017

**Consideration of an application for a Special Use Permit for a Contractor's Yard, Angell's Excavation on a tract of land located in the southeast quarter of Section 6, Township 11 South, Range 21 East of the 6th P.M., in Leavenworth County, Kansas.
Also known as 19230 McLouth Road**

Request submitted by Kelly Angell

*****Public Hearing Required*****

Christa McGaha gave the staff report for Case DEV-19-017 bringing up that this case was continued last month due to the absence of the applicant. Christa McGaha added that staff has some concern that there was a condition in the last permit that screening be done and that has not been done. Staff recommends approval of the Special Use Permit with conditions.

Vice-Chairman Denney opened the public comment portion of the hearing, applicant Kelly Angell came forward. He said he agreed with all the conditions except the screening stating he would put screening up when the County Shop and County Quarry put up privacy screening. He also stated he would like to see a 10-15 year permit seeing how other uses are receiving longer terms. Mr. Angell also inquired about why he needs to pay TIF when he enters on a State Hwy. He will bring that up with the County Commission. Vice-Chairman Denney invited the public to speak in favor or opposition, hearing none closed the public portion of the hearing.

The commission discussed screening, recalling the same discussions last time and acknowledging there have been no complaints. Vice-Chairman Denney inquired about the term, stating the County Commission seemed to favor longer terms. Jeff Joseph said that staff usually recommends 5 years on high impact uses.

Commissioner Clark made a motion to approve DEV-19-017 with all staff recommendations except for a period of 10 years. Commissioner Schmidt seconded the motion. More discussion was had on the term and the TIF, the motion and second was amended to be a 5 year term with staff conditions.

ROLL CALL VOTE

Motion passed 9/0

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Chairman Rosenthal returned to the meeting.

Case No. DEV-19-038

Consideration of an application for a Special Use Permit for a Special Use Permit for an agri-business, Happy Apple Farms, on a tract of land located in the southeast quarter of Section 17, Township 11 South, Range 21 East of the 6th P.M., in Leavenworth County, Kansas.

Also known as 17524 178th Street

Request submitted by Patricia Ragsdale

*****Public Hearing Required*****

Christa McGaha gave the staff report for Case DEV-19-038 an application for a Special Use Permit for an agri-business, Happy Apple Farms. Staff recommends approval of the request with staff conditions.

Chairman Rosenthal opened the public portion of the hearing and asked the applicant to come forward. Patricia Ragsdale, 17524 178th Street, came forward and stated that she is familiar with the conditions and that she agrees with them. Commissioner Schwinn inquired if she was registered on the Kansas Agri-Tourism site, she was not aware of the site and they discussed the difference between agri-tourism versus agri-business. She stated she would be happy to register. Chairman Rosenthal asked for people to speak in favor/opposition. The public comment portion of this hearing was closed.

Commissioner Schwinn made a motion to approve DEV-19-038 with staff conditions. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE

Motion passed 9/0

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Case No. DEV-19-043

Consideration of an application for a Special Use Permit for campgrounds, picnic groves and fishing lakes, Suncatcher Lake, a tract of land located in the northeast quarter of Section 32, Township 9 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.

Request submitted by Rick and Georgi Sammons

Also known as 24836 Tonganoxie Drive

*****Public Hearing Required*****

Christa McGaha gave the staff report for Case DEV-19-043 a renewal of the Special Use Permit for Suncatcher Lake, explaining the changes in this request and the staff conditions. She brought a memo from the water district to their attention that she handed out before the meeting.

Chairman Rosenthal opened the public hearing portion of this meeting and invited the applicants forward. Mr. and Mrs. Sammons came forward and the 21 conditions were reviewed. Commissioner Denney inquired about the average length of stay and Mrs. Sammons said they are compliant and explained their process. Commissioner Schwinn inquired about the Water Districts memo and Mrs. Sammons said she was working with the Water District and they were only recommending an upgrade not requiring it. Chairman Rosenthal asked if there was anyone that wanted to speak in favor/opposition, seeing none the public portion of the hearing was closed.

Commissioner Raymos made a motion to approve DEV-19-043 with staff conditions. Commissioner Matthews seconded the motion.

ROLL CALL VOTE

Motion passed 9/0

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Senior County Counselor asked for a few minutes of the Planning Commissioner time to address reconfiguring the Planning Commission because there is now five County Commissioners serving on the Board versus three. An amendment to the Resolution about the Planning Commission will need to be made, and Mr. Van Parys went over those changes.

Commissioner Schwinn inquired about the term, and Mr. Van Parys offered clarification. Commission Schwinn stated his concern with the terms expiring at once and would it be hard to fill several vacancies at once.

Mr. Van Parys spoke about the meeting on the Master Plan, he wanted to suggest to the Commission they are a quasi-judicial body and asked the Planning Commission not to discussed amongst themselves or with the public the Comprehensive Plan, but to take part in the process individually.

Planning Commission is adjourned at 6:55 PM