

**LEAVENWORTH COUNTY PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
July 10, 2019**

**Meeting called to order at 6:00 pm**

**Pledge of Allegiance**

**Oath of Office**

**Members present:** Steve Rosenthal-Chairman, Mark Denney, Wolf Schmidt, A.W. Himpel, Alex DeMoro, Terry Bartkoski, and John Matthews.

**Members absent:** Janette Labbee-Holdeman & Jay Schwinn

**Staff present:** Jeff Joseph-Director, Krystal Voth-Deputy Director, Stephanie Sloop-Planning Coordinator, David Van Parys-Senior County Counselor, Michael Spickelmier-County Engineer

**Election of Officers:**

Commissioner Denney made a motion to appoint Commissioner Rosenthal as Chairman, Commissioner Schmidt seconded the motion.

**Motion passed, 6-0, Commissioner Rosenthal Abstained**

Commissioner Schmidt made a motion to appoint Commissioner Denney as Vice-Chairman, motion was seconded by Commissioner Bartkoski.

**Motion passed, 6-0, Commissioner Denney Abstained**

**Approval of Minutes:**

*A motion was made by Commissioner Denney and seconded by Commissioner Matthews to approve the June Planning Commission Meeting minutes.*

***Motion passed, 4-0, Commissioner Himple, Commissioner DeMoro, and Commissioner Bartkoski Abstained***

**Secretary's Report:**

Jeff Joseph addressed the Planning Commission letting them know that the item on consent agenda needed to be moved to the regular agenda due to items that needed to be addressed.

***A motion was made by Commissioner Matthews to approve the agenda moving Case DEV-19-065-066 to the regular agenda. Commissioner Denney seconded the motion.***

***Motion passed, 7-0***

**Declarations:** Commissioner Himpel and Commissioner DeMoro made declarations that they received letters about the application for a Special Use Permit for the Kaw Valley Sand Plant.

**Case No. DEV-19-065/066**

**Consideration of an application for a Preliminary and Final Plat for Madeline's Meadows, a seven-lot plat on a tract of land in the southwest quarter of Section 27, Township 9 South, Range 22 East of the 6<sup>th</sup> P.M., in Leavenworth County.**

**Also known as 00000 163<sup>rd</sup> Street**

**Request submitted by Herring Surveying**

Krystal Voth presented the staff report for Case DEV-19-065/066 Preliminary and Final Plat for Madeline's Meadows.

Applicant Joe Herring, Herring Surveying, spoke in favor of the request addressing some of the points that had been discussed.

**Commissioner Denney made a motion to approve DEV-19-065/066, Preliminary and Final Plat for Madeline's Meadows, adding the additional requirements that the applicant revise the plat to include a flight path. Commissioner Schmidt seconded the motion.**

#### **ROLL CALL VOTE**

**Motion passed 7/0**

The Board of County Commissioners will consider this item on **July 31, 2019 at 9:00 A.M** in the Leavenworth County Courthouse.

#### **Case No. DEV-19-008**

**Consideration of an application for a Special Use Permit for a Surface Mining and Sand Quarry, Lenape Sand Quarry on a tract of land located in the southwest quarter of Section 22, Township 12 South, Range 22 East of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas  
Also known as 00000 Lenape Road  
Request submitted by Kaw Valley Companies**

Krystal Voth gave her staff report on Case DEV-19-008 a Special Use Permit request for a Surface Mining and Sand Quarry, Lenape Sand Quarry.

Commissioner Rosenthal asked for the conditions to be read into record.

Public Works stated that their comments are addressed in their memorandum.

Chairman Rosenthal opened up the public comment portion of the hearing and asked the applicant to come forward.

Attorneys representing Kaw Valley came forward as well as the property owner to address the commission.

Chairman Rosenthal asked for anyone wishing to speak in favor of this request to come forward, and one resident spoke in favor of the request.

Chairman Rosenthal asked if there was anyone here to speak in opposition, several residents came forward to speak in opposition.

The public comment portion of the hearing was closed.

Discussion between the commission and representatives of the applicant were had about the concerns brought up.

**Commissioner Matthews made a motion to approve Case DEV-19-008 an application for a Special Use Permit for a Surface Mining and Sand Quarry, Lenape Sand Quarry, adding the condition of a fencing requirement and including all of the staff conditions. Commissioner Himpel seconded the motion. Senior Counselor David Van Parys asked that Commissioner Matthews enumerate his reasons for making his motions based on the Golden Factors. Commission Matthews expanded on his motion to include the golden factors and the recommendation of staff. Seeing no further discussion. Commissioner Himpel accepted the change to his motion.**

#### **ROLL CALL VOTE**

**Motion is denied 3/4.**

**Commission Matthews – Yes**

***Commissioner Bartkoski – Voted no, stating he didn't see that there was economic gain to the County. There are public health concerns, his biggest being safety.***

***Commission Denney – Voted no, He stated that he didn't think there was a better place to have a sand plant in the county than this, due to it being zoned I-3 and it is in a floodplain. He voted no because he can't get past the roads and the safety factor. Also the return on the investment he does not feel it is in the County's best economic interest to where the benefit doesn't equal the potential costs.***

***Commissioner DeMoro – No***

***Commissioner Schmidt – No***

***Commissioner Himpel – Yes***

***Commissioner Rosenthal – Yes***

The Board of County Commissioners will consider this item on **July 31, 2019 at 9:00 A.M** in the Leavenworth County Courthouse.

**Meeting is adjourned at 9:15 PM**