

**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
September 11, 2019**

Meeting called to order at 6:00 pm

Pledge of Allegiance

Members present: Steve Rosenthal-Chairman, Mark Denney, Wolf Schmidt, A.W. Himpel, Alex DeMoro, John Matthews, Janette Labbee-Holdeman and Jeff Spink

Members absent: Terry Bartkoski

Staff present: Jeff Joseph-Director, Krystal Voth-Deputy Director, Stephanie Sloop-Planning Coordinator, David Van Parys-Senior County Counselor, Lauren Anderson-Public Works

Approval of Minutes:

Chairman Rosenthal and Commissioner Denney made corrections to August minutes. A motion was made by Commissioner Labee-Holdeman and seconded by Commissioner Schmidt to approve the August Planning Commission Meeting minutes with corrections.

Motion passed, 8-0

Secretary's Report:

Jeff Joseph said that Case DEV-19-067 would be tabled to the October Planning Commission to make some changes based on the work session. He also let the Planning Commission know there was an amended agenda to correct a few minor errors on the agenda.

A motion was made by Commissioner Matthews to approve the agenda. Commissioner Schmidt seconded the motion.

Motion passed, 8-0

Declarations: Chairman Rosenthal stated that he would be recusing himself from two cases, the Rezone and Variance request.

Case No. DEV-19-079 & 091

Consideration of a Preliminary Plat for Rock Ridge Estate, a 20-lot plat and a Final Plat for Rock Ridge Estates – Phase 1, an eight-lot plat on a tract of land in the south half of the southwest Quarter of Section 23, Township 22, East of the 6th P.M., in Leavenworth County Kansas.

Also known as 15506 Metro Avenue

Request submitted by Herring Surveying Company

Krystal Voth presented the staff report for Case DEV-19-079/091 Preliminary Plat for Rock Ridge Estates and a Final Plat for Rock Ridge Estates – Phase 1.

Chairman Rosenthal asked the applicant to come forward. Applicant Joe Herring, Herring Surveying Company, came forward and stated that he would like to get it approved as submitted. The engineer for the project came forward to address concern that Commissioner DeMoro expressed about the safety of the road. With no additional information to be presented Chairman Rosenthal said he would entertain a motion.

Commissioner Schmidt made a motion to approve DEV-19-079 & 091 a Preliminary Plat for Rock Ridge Estate, a 20-lot plat and a Final Plat for Rock Ridge Estates – Phase 1, an eight-lot plat with staff recommendations. Commissioner Matthews seconded the motion.

ROLL CALL VOTE

Motion passed 8/0

The Board of County Commissioners will consider this item on **October 2nd, 2019 at 9:00 A.M** in the Leavenworth County Courthouse.

Case No. DEV-19-081

Consideration of an application for a Special Use Permit for the operation of an agriculturally related business, Kerby Pumpkin Patch, on a tract of land located in Section 27, Township 11, Range 22E, East of the 6th P.M., in Leavenworth County, Kansas.

Also known as 15943 158th Street

Request submitted by Jim and Terri Kerby

****Requires public hearing****

Krystal Voth presented the staff report on Case DEV-19-081 request for a Special Use Permit for Kerby Pumpkin Patch.

Chairman Rosenthal opened the public comment portion of the hearing and asked the applicant to come forward. Mr. Kerby came forward and stated that he agreed to the conditions.

Chairman Rosenthal asked for anyone wishing to speak in opposition of this request. With no additional information to be presented the public comment portion of the hearing was closed.

Commissioner Himple made a motion to approve Case DEV-19-081 stating factors and finding. Commissioner Labbee-Holdeman seconded the motion.

ROLL CALL VOTE

Motion is approved 8/0

The Board of County Commissioners will consider this item on **October 2nd, 2019 at 9:00 A.M** in the Leavenworth County Courthouse.

Chairman Rosenthal recused himself at 6:29 PM

Case No. DEV-19-078

Consideration of an application to rezone a parcel of land from the RR-2.5 Zoning District to a Planned Unit Development zoning district on a tract of land located in the southwest quarter of the southeast quarter of Section 16, Township 12 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.

Also known as 12400 170th Street

Request submitted by Joy Meadows, INC

****Requires public hearing****

Krystal Voth presented the staff report on Case DEV-19-078 an application to rezone a parcel of land from the RR-2.5 Zoning District to a Planned Unit Development zoning district.

Vice-Chairman Denney asked Public Works if they had additional comments. Lauren Anderson stated there was no additional comments. Vice-Chairman Denney asked Senior Counsel if there was anything additional he wanted to add. David Van Parys asked Commissioners to take note of certain conditions attached to this request.

Vice-Chairman Denney opened the public comment portion of the hearing and asked the applicant to come forward.

Justin and Sarah Obendorfer came forward to offer more information about their request and the need for this service in Leavenworth County and throughout the State of Kansas. Kristin Skinner came forward as the Traffic Engineer to speak on behalf of this request. The Commissioners asked the applicants several questions about their request. Vice-Chairman asked the applicants if they agreed to the conditions attached to this request.

Vice-Chairman Denney asked for anyone wishing to speak in favor of this request. Several residents came forward to speak in favor of this request.

Vice-Chairman Denney asked for anyone wishing to speak in opposition of this request. Several residents came forward to speak in opposition of the request. With no additional information to be presented the public comment portion of the hearing was closed. Vice-Chairman asked the applicants to come forward to answer questions that were brought up during public comment such as since they are a 501c3 non-profit if they would be paying property taxes. The applicants stated that they were working with accountants and advisors to get answers to those questions. Vice-Chairman Denney asked if they planned on living on-site? The applicant responded that they are governed by a Board and is not sure what the final plans will be. Jeff Joseph explained that this request is for rezoning and that as this develops the applicants will have to come back before the Planning Commission with additional applicants. Commissioner Denney asked staff if a developer were to come in and just develop this land for it's current zoning district how many parcels could they fit. Jeff Joseph said it would probably be about the same. It is zoned for 2.5-acre lots already. Discussion was had about the septic system requirements and Jeff Joseph said that will be addressed in later stages. With no further discussions, Vice-Chairman Denney said that he would entertain a motion.

Commissioner Himpel made a motion to approve Case DEV-19-078 a request to rezone from RR-2.5 to Planned Unit Development stating his factors and finding. Motion dies for lack of a second. Vice-Chairman asked for a new motion. Commissioner Schmidt made a motion to deny Case DEV-19-078. Commissioner Labbee-Holdeman seconded the motion based on concerns of the neighboring property owners and also stating she is not comfortable with the location of this request.

ROLL CALL VOTE

Commissioner DeMoro – Yes to deny. He would like to know more about the taxes, the fence, and the location is not the right place.

Commissioner Matthews – Yes to deny.

Commissioner Spink – Yes to deny.

Commissioner Labbee-Holdeman – Yes to deny.

Commissioner Himpel – No to deny. I feel like it fits all the requirements.

Commissioner Schmidt – Yes to deny.

Commissioner Denney – No to deny, I feel like it meets all of our Planning and Zoning Regs

Motion is denied 5/2

The Board of County Commissioners will consider this item on **October 2nd, 2019 at 9:00 A.M** in the Leavenworth County Courthouse.

Planning Commission is adjourned at 8:20 PM and reconvened as the Board of Zoning Appeals.

Members present: Mark Denney-Vice Chairman, A.W. Himpel, Alex DeMoro, Wolf Schmidt, Janette Labbee-Holdeman & Jeff Spink

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

Case No. DEV-19-077

Consideration of an application to Article 5, Section 4 which requires a minimum parcel size of 5 acres and a minimum of 300 feet of road frontage on a tract of land located in the southwest quarter of Section 31, Township 9 South, Range 22 east of the 6th P.M., Leavenworth County, Kansas.

**Also known as 24620 187th Street
Request submitted by Carol Blackwell**

Krystal Voth presented the staff report for Case DEV-19-077. Vice-Chairman Denney asked if there were any questions of staff. Commissioner Schmidt asked...

Vice-Chairman Denney opened the public comment portion of the hearing and asked if the applicant would come forward. Mrs. Blackwell came forward and spoke on behalf of this request. Vice-Chairman Denney asked for anyone wishing to speak in favor of this request come forward. One person came forward to speak in favor of the request. Vice-Chairman Denney asked for anyone wishing to speak in opposition of this request and one person came forward to state concern about a problem septic system. Jeff Joseph explained that a resale inspection would be required upon the sale of property.

With no additional information to be presented the public comment portion of the hearing was closed.

Commissioner Schmidt made a motion to approve DEV-19-077 Variance Request with factors of the Kansas Statue. Commissioner Matthews seconded the motion. With no further discussion we will have a roll call vote with Commissioners present.

ROLL CALL VOTE

Motion passed 6/0

Board of Zoning of Appeals is adjourned at 8:32 pm.