

**LEAVENWORTH COUNTY PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
November 13, 2019**

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

**Pledge of Allegiance**

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

**Members absent:** None

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

**Approval of Minutes:**

*A motion was made by Commissioner Himpel and seconded by Commissioner Matthews to approve the October 9th Planning Commission minutes.*

***Motion passed, 8-0, 1 Abstain***

**Secretary's Report:**

Jeff Joseph informed the Planning Commission that there was one item on the consent agenda and when they approved the agenda they would be approving that case.

***A motion was made by Commissioner Schmidt to approve the agenda. Commissioner Labbee-Holdman seconded the motion.***

***Motion passed, 9-0***

**Declarations: No Declarations**

**Case No. DEV-19-106/107**

**Consideration of an application for Thom Acres, a two-lot plat on a tract of land in Section 12, Township 11 South, Range 20 East of the 6<sup>th</sup> P.M., in Leavenworth County**

**Also known as 24300 Sandusky Road**

**Request submitted by Herring Surveying Company**

Krystal Voth presented the staff report for Case DEV-19-106 & 107.

Chairman Rosenthal asked the applicant to come forward. The applicant, Mr. Herring agreed with the Staff's report of the case. With no additional information to be presented, Chairman Rosenthal said he would accept a motion if there was no further discussion.

***Commissioner Himpel made a motion to approve the proposed Plat as outlined in Case DEV-19-106 & 107 a Preliminary and Final Plat for Thom Acres be approved as the findings set forth in the staff report and as substantiated by the facts, testimony and evidence presented, be adopted by this board and that the conditions set forth in the staff report be made part of this preliminary and final plat. Commissioner Matthews seconded the motion.***

**ROLL CALL VOTE**

**Motion passed 9/0**

The Board of County Commissioners will consider this item on **December 4, 2019 at 9:00 A.M** in the Leavenworth County Courthouse.

**Case No. DEV-19-099**

**Consideration of an application for a Text Amendment to amend:  
Article 19 – Table of Uses  
Request submitted by Leavenworth County Planning and Zoning  
\*\*Requires public hearing\*\***

***Commissioner Matthews made a motion to table this case to the December 11, 2019 Planning Commission Meeting. Commissioner Schmidt seconded the motion.***

**ROLL CALL VOTE**

**Motion passed 9/0**

**Case No. DEV-19-103**

**Consideration of an application for a Special Use Permit for the operation of a Kennel (Pupachinos Doggy Daycare) on a tract of land located in Section 16, Township 8 South, Range 22E, East of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas.  
Request submitted by Katherine de la Cruz  
\*\*Public Hearing Required\*\***

Krystal Voth presented the staff report for Case DEV-19-103 a request for a Special Use Permit for a Kennel operation, going through the Golden Factors related to the case.

Chairman Rosenthal opened the public comment portion of the hearing and asked if the applicant would come forward. Ms. Cruz came forward to speak on behalf of the application.

Chairman Rosenthal asked for anyone wishing to speak in favor of this request come forward. Several residents came forward to speak in favor of the use. Chairman Rosenthal asked for anyone wishing to speak in opposition of this request, no one came forward.

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

***Commissioner Bartkoski made a motion for Case DEV-19-103 to approve the Special Use Permit with the conditions of a period of 5 years and not more than 12 dogs. Commissioner Labbee-Holdeman seconded the motion. With no further discussion there was a roll call vote with Commissioners present. During the roll call vote, with guidance from Legal Counsel the motion was withdrawn and Commissioner Bartkoski made a new motion to table the request to December 11<sup>th</sup> Planning Commission so conditions could be attached to this Special Use Permit, Commissioner Labbee-Holdman seconded the motion.***

**ROLL CALL VOTE**

**Motion to table this request to the December Planning Commission passed 9/0**

**Case No. DEV-19-104**

**Consideration of an application for a Special Use Permit for the disposal of waste material, landfill – clean rubble only – for Reisbig Landfill on a tract of land located in Section 4, Township 9 South, Range 22 E, East of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas.  
Request submitted by Carol Reisbig Trust  
\*\*\*Public Hearing Required\*\*\***

Krystal Voth presented the staff report for Case DEV-19-104 for a Special Use Permit for a waste material, landfill – clean rubble only operation. Ms. Voth went through the Golden Factors as they pertain to this case.

Chairman Rosenthal opened the public comment portion of the hearing and asked if the applicant would come forward. Mr. Kaaz came forward to speak about this request. The Traffic Impact Fee was brought up and a

memo that Staff had drafted. It was decided the TIF would be discussed at the Board of County Commission level.

Chairman Rosenthal asked for anyone wishing to speak in favor of this request come forward. One resident came forward to speak in support of this request. 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 Himpel made a motion for Case DEV-19-104 to be approved, that the findings on the Golden Factors, as set forth in the staff report, as adopted by the Planning Commission and as substantiated by the Facts, Testimony and Evidence presented and that the conditions set forth in the staff report be made part of this request. Commissioner Matthews seconded the motion. With no further discussion we will have a roll call vote with Commissioners present.***

## **ROLL CALL VOTE**

**Motion passed 9/0**

### **Case No. DEV-19-105**

**Consideration of an application to rezone a parcel of land from the Rural Residential, RR-5 Land Use to Rural Residential, RR-2.5 Land Use on a tract of land in Section 15, Township 10 South, Range 22 East of the 6<sup>th</sup> P.M., in Leavenworth County.**

**Request submitted by Joe Herring on Behalf of Eagle Creek, LLC**

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

Jeff Joseph presented the staff report for Case DEV-19-105 an application for a Rezone from Rural Residential RR-5 to Rural Residential RR-2.5. Mr. Joseph gave a history of the background on this parcel and request that have come to the Planning Commission and Board of County Commission in recent history.

Chairman Rosenthal opened the public comment portion of the hearing and asked if the applicant would come forward. Mr. Herring came forward to speak about this request. Mr. Herring spoke about some of the things that have changed with the rules and regulations and staff and Board make-up since the initial request.

Chairman Rosenthal asked for anyone wishing to speak in favor of this request come forward. One resident came forward to speak in support of this request, he wants to be the developer of the property and wanted to explain the intentions of this rezone. Chairman Rosenthal asked for anyone wishing to speak in opposition of this request. Several residents got up to spoke in opposition of this request.

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

***Commissioner Bartkoski made a motion for Case DEV-19-105 to be tabled. Discussion was had among the Planning Commissioners about if tabling this request was the best course of action. County Counselor offered legal guidance about the options of approval, denial, or table the request. Commissioner Bartkoski withdrew his previous motion. Commissioner Bartkoski made a motion that Case DEV-19-105 be denied based on the findings on the Golden Factors this would be detrimental to the area. Also, as outlined in the staff report does not conform to the Comprehensive Plan, as adopted by the Planning Commission and as substantiated by the Facts, testimony and evidence presented, be adopted by this Board. With no further discussion we will have a roll call vote with Commissioners present.***

## **ROLL CALL VOTE**

**Motion passed to deny this request 8/1 (Commissioner Himpel voted no because he feels it should be tabled)**

**Planning Commission is adjourned at 7:58 pm.**