

**LEAVENWORTH COUNTY PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
July 15, 2020**

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

**Pledge of Allegiance**

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

**Members absent:** John Matthews

**Staff present:** Krystal Voth-Interim Director, Stephanie Sloop-Planning Coordinator, Jared Clements-Planner, David Van Parys-Senior County Counselor

**Election of Chairman and Vice Chairman**

**Commissioner Denney made a motion to elect Steve Rosenthal as Chairman of the Planning Commission. Commissioner Labbee-Holdeman seconded the motion.**

**Motion to approve passed 7/0, 1 abstain.**

**Commissioner Schmidt made a motion to elect Mark Denney as Vice-Chairman of the Planning Commission. Commissioner Himpel seconded the motion.**

**Motion to approve passed 7/0, 1 abstain.**

**Approval of Minutes:**

**Commissioner Himpel made a motion to approve the minutes from the June Planning Commission. Commissioner Denney seconded the motion.**

***Motion to approve passed, 5/0, 2 Commissioners abstained***

**Secretary's Report:**

Krystal Voth let the Commission know that there were two items on the consent agenda. Commissioner DeMoro questioned the fire protection on the plats on the consent agenda.

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

***Motion to approve passed, 8/0***

**Declarations: No further declarations**

**Case DEV-20-062 (Special Use Permit – Childcare Facility)**

**Consideration of an application for a Special Use Permit for a Childcare Facility on a tract of land located in the southwest quarter of Section 9, Township 11 South, Range 22 East of the 6th P.M., in Leavenworth County<sup>[SEP]</sup>**

**Also known as 16928 Evans Road (PID 182-09-0-00-00-014.00)<sup>[SEP]</sup>  
Request submitted by Trinity Family of Faith Lutheran Church**

Jared Clements presented the staff report for Case DEV-20-062. The applicant was not present for the meeting and the case was tabled to the August 12, 2020 meeting.

Commissioner Schmidt made a motion to table the motion and Commissioner Bartkoski seconded the motion.

## ROLL CALL VOTE

**Motion to table passed, 8/0**

### **Case DEV-20-025 (Special Use Permit – Tri Hull) [Continued from June 10th meeting]**

**Consideration of an application for a Special Use Permit for a Contractor's Yard for Tri- Hull Crane Rental, on a tract of land in the southeast quarter of Section 11, Township 12, Range 20 East of the 6th P.M. Leavenworth County, Kansas**

**Also known as 24838 Loring Road (PID 211-11-0-00-00-017.02)**

**Request submitted by Donna Hull**

Krystal Voth presented the staff report for Case DEV-20-025 consideration of an application for a Special Use Permit for a Contractors Yard.

Upon opening the public comment of the hearing Chairman Rosenthal asked the applicant to come forward. Mr. Duskin Hull came forward and stated that they would like to be able to turn both directions out of their driveways and also if the hours could be more flexible. Mr. Hull stated that a lot of the activities that take place on the property are personal use. Commissioner Rosenthal asked the applicant if he agreed with the other conditions in the report. Discussion was had among the Commission about the road and the usage. Ms. Voth explained this was a recommendation that came from the Public Works Department.

Chairman Rosenthal asked for people wishing to speak in favor of the request to come forward. Joe Herring came forward to speak in favor. Commissioner Rosenthal asked if there was any on in the audience that wanted to speak in opposition of the request. Edward Irvine and Rebecca Swearingen came forward to speak in opposition of the request. Residents were also called by phone to speak in favor and in opposition: Mary Wilson spoke in opposition, Sara Zumalt spoke in opposition, Jim Tingle spoke in favor, and Bryan Zesinger spoke in favor.

Commissioner Bartkoski questioned the racetrack on the property and if it was a business use. Ms. Voth explained that the applicants maintain that it is not a commercial racetrack and are willing to sign an affidavit that it is not. Ms. Voth also stated that the appraisers office does not have it classified as a commercial use. County Counselor explained further the duty of the Appraiser's office to classify properties and assess taxes based on its use and if they did not have it as commercial that holds weight. The applicant was brought forward for some clarifying questions. With no additional information to be presented the public hearing was closed.

***Commissioner Schmidt made a motion to approve Case DEV-20-025 as proposed by staff and outlined in the staff report. Commissioner Holdeman seconded the motion.***

## ROLL CALL VOTE

**Motion to approve passed, 8/0**

The Board of County Commissioners will consider this item on **August 5, 2020 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-20-075 (Special Use Permit – Daily Driver LLC)**

**Consideration of an application for a Special Use Permit for a Retail Business, Daily Driver LLC located on a tract of land in the northeast corner of Section 7, Township 9 South, Range 22 East of the 6th**

**P.M. Also known as 17858 Michals Road (PID 103-07-0-00-00-001.000)**

**Request submitted by Kristin Thompson**

Jared Clements presented the staff report for Case DEV-20-075 consideration of an application for a Special Use Permit for a retail business for Daily Driver, LLC.

Upon opening the public comment of the hearing Chairman Rosenthal asked the applicant to come forward. Mrs. Thompson came forward and said that she agreed with staff's report. Chairman Rosenthal asked for people wishing to speak in favor or opposition of the request to come forward. Shelly Thompson came forward to speak in favor of the request. Larry Hrenchir phoned in to speak in opposition. Kathy Budke gave public comment stating her concerns. Heather Wilk spoke in opposition of this request. Carl Wilk spoke in opposition.

With no additional information to be presented the public hearing was closed. Discussion was had between the Planning Commission and County Counselor.

**Commissioner Himpel made a motion to approve Case DEV-20-025 as proposed by staff and outlined in the staff report. Commissioner Barkoski seconded the motion.**

#### **ROLL CALL VOTE**

**Motion to approve passed, 8/0**

The Board of County Commissioners will consider this item on **August 5, 2020 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-20-080 (Text Amendment – Article 43)**

**Consideration of an application for a Text Amendment to amend: Article 43: Cross Access Easement Request submitted by Planning and Zoning Staff**

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

Krystal Voth presented the staff report for Case DEV-20-080 consideration of an application for a Text Amendment to Article 43. Discussion was had between staff and the commission.

Upon opening the public comment of the hearing Chairman Rosenthal asked if there was anyone present that wanted to speak in favor or opposition of this request.

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

**Commissioner Himpel made a motion to approve DEV-20-080, stating that the Board of County Commissioners would need to apply road standards as part of the regulation.**

Additional discussion was had between the Planning Commission and Staff. County Counselor suggested that this case be tabled and that the commission direct staff to bring this back to them with road standards at a later date.

**Commissioner Himpel withdrew his motion and made a motion to table Case DEV-20-080 to the August 12<sup>th</sup> Planning Commission Meeting asking that more information on road standards be provided by Public Works. Commissioner Schmidt seconded the motion.**

#### **ROLL CALL VOTE**

**Motion to approve passed, 8/0**

**Planning Commission is adjourned at 7:57 PM.**