

**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
September 9, 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, John Matthews, Terry Bartkoski, and Alex DeMoro

Members absent: none

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

Approval of Minutes:

Commissioner Himpel made a motion to approve the minutes from the August Planning Commission. Commissioner Matthews seconded the motion.

Motion to approve passed, 8/0, 1 Commissioner abstained

Secretary's Report:

Krystal Voth let the Commission know that there were two items on the consent agenda. Ms. Voth also let the Commission know that we were ready to move forward with the adoption of the Comprehensive Plan, and there would be a special meeting for October 7th.

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

Motion to approve passed, 9/0

Declarations: No further declarations

Case DEV-20-097 & 098 (Preliminary and Final Plat – Bell Estates)

Consideration of a Preliminary and Final Plat for Bell Estates, on a tract of land in the west half of the west half of the northwest quarter of Section 7, Township 10, Range 21 East of the 6th P.M., in Leavenworth County Kansas.

Also known as 00000 Dempsey Road/235th St (PID: 143-07-0-00-00-004.01)

Request submitted by Joe Herring on behalf of Kay Smith

Jared Clements presented the staff report for Case DEV-20-097 & 098. The applicant's agent did not have any comment. There was no additional information to be presented.

Commissioner Himpel made a motion approve to approve DEV-20-097 & 098, that the findings on the Golden Factors, as set forth in the staff report, as substantiated by the facts, testimony and evidence presented. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE

Motion to approve passed, 9/0

Case DEV-20-086 (Special Use Permit – Gauger Little Bullies Dog Kennel)

Consideration of an application for a Special Use Permit for a Dog Kennel on a tract of land located on Tract One (1) of Gauger Subdivision, a subdivision in Leavenworth County.

Also known as 24795 Logan Road, Easton (PID: 047-35-0-00-00-003.06)

Request submitted by Laura Helton and Ed Gauger

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

Jared Clements presented the staff report for Case DEV-20-086 consideration of an application for a Special Use Permit for a Kennel.

Upon opening the public comment of the hearing Chairman Rosenthal asked the applicant to come forward. Ms. Laura Helton came forward and stated that they agreed with the conditions listed on the staff report. Clarification was given on the number of adult dogs allowed.

Chairman Rosenthal asked for people wishing to speak in favor or opposition of the request to come forward. With no additional information to be presented the public hearing was closed.

Commissioner Himpel made a motion approve to approve DEV-20-086, that the findings on the Golden Factors, as set forth in the staff report, as substantiated by the facts, testimony and evidence presented. Commissioner Matthews seconded the motion.

ROLL CALL VOTE

Motion to approve passed, 9/0

The Board of County Commissioners will consider this item on **September 30, 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 DEV-20-095 (Special Use Permit – Scott’s Racing Engines)

Consideration of an application for a Special Use Permit for an Auto Repair Shop, on Lot 22, Westbrook Subdivision, Phase No. 1, a subdivision in Leavenworth County, Kansas.

Also known as 20326 168th Street, Leavenworth (PID: 158-33-0-00-00-012.00)

Request submitted by Dennis Scott

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

Krystal Voth presented the staff report for Case DEV-20-095 consideration of an application for a Special Use Permit for an Auto Repair Shop.

Upon opening the public comment of the hearing Chairman Rosenthal asked the applicant to come forward. Mr. Scott came forward and said that he agreed with staff’s report. Chairman Rosenthal asked for people wishing to speak in favor or opposition of the request to come forward.

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

Commissioner Bartkoski made a motion approve to approve DEV-20-095, stating that the findings on the Golden Factors, as set forth in the staff report and the testimony presented in support of this request. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE

Motion to approve passed, 9/0

The Board of County Commissioners will consider this item on **September 30, 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-20-091 (Rezoning Request)

Consideration of a rezoning request from RR-2.5 zoning district to a I-2 zoning district on a portion of two tracts of land in the Southwest quarter of Section 21, Township 8 South, Range 22 East of the 6th P.M., Leavenworth County Kansas.

Also known as 00000 Amelia Earhart Rd (PID: 075-21-0-00-00-015.03 & 075-22-0-00-00-007.00)

Request submitted by Joe Herring

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

Krystal Voth presented the staff report for Case DEV-20-091 a rezoning request to change zoning from RR-2.5 to a I-2 district.

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. The applicant, Joe Herring, came forward. He said that staff covered the case extremely well and did not have anything to add. Chairman Rosenthal asked for individuals wishing to speak in favor or protest to come forward.

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

Commissioner Bartkoski made a motion to approve DEV-20-091, based on the findings on the Golden Factors, as set forth in the staff report. Commissioner Matthews seconded the motion.

ROLL CALL VOTE

Motion to approve passed, 9/0

The Board of County Commissioners will consider this item on **September 30, 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-20-096 (Rezoning Request)

Consideration of a rezoning request from RR-2.5 zoning district to R-1 (43) zoning district on a property located in the West Half of the Northeast Quarter of Section 16, Township 11, Range 22 East of the 6th P.M. in Leavenworth County Kansas.

Also known as 16985 Evans Road (PID: 185-16-0-00-00-020.00, 012.00)

Request submitted by Herring Surveying on behalf of Margaret A. Chiles Family Trust

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

Krystal Voth presented the staff report for Case DEV-20-096 consideration of a rezoning request to change zoning from RR-2.5 to R-1 (43). Commissioners had several questions for staff and discussion was had amongst the commissioners.

Upon opening the public comment of the hearing Chairman Rosenthal asked the applicant to come forward. Mr. Herring, the agent for the applicant came forward, to address some of the comments and questions that the commissioners had discussed, and to give a history of this parcel of land.

Chairman Rosenthal asked if there was anyone present that wanted to speak in favor or opposition of this request. Several residents spoke in opposition of this request, by both phone and in person. Mr. Herring came forward to address some of the concerns brought up during public comment. A few residents asked to clarify some comments made.

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

Discussion was had between the Planning Commission members and staff.

Commissioner Matthews made a motion to deny Case DEV-20-096 based on information provided by staff and concern about issues related to private septic systems. Commissioner Holdeman seconded the motion.

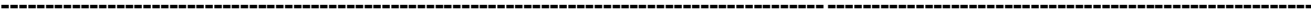
ROLL CALL VOTE

Motion to deny passed, 6/3

(Commissioner DeMoro voted no to deny because it matches the land use around it. Commissioner Himpel voted no to deny, he wants to see the contours, the final plat, and wants to see if they can solve the issues already present with septic. Commissioner Spink voted no to deny for the same reasons as Commissioner Himpel.)

The Board of County Commissioners will consider this item on **September 30, 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.



Planning Commission is adjourned at 7:44 PM.