

**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
March 11, 2020**

Meeting called to order at 6:00 pm

Pledge of Allegiance

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

Members absent: Terry Bartkoski

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

Approval of Minutes:

A motion was made by Commissioner Himpel and seconded by Commissioner Matthews to approve the February Planning Commission.

Motion to approve passed, 7-0, Commissioner Schmidt abstained.

Secretary's Report:

Krystal Voth informed the Planning Commission that the applicant asked to withdraw Case DEV-19-129 an application for a rezone and that there were two applications on the consent agenda and approval of the agenda would approve those cases. Ms. Voth explained that the copy of the Plat that she handed out before the meeting was a revision changing the plat from a 22-lot plat to a 21-lot plat to meet zoning regulations.

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

Motion to approve passed, 8/0

Declarations: No Declarations

Case No. DEV-20-022

Consideration of a Preliminary Plat, a 21-lot plat on a tract of land in the northeast quarter of Section 15, Township 10 South, Range 22 East of the 6th P.M. in Leavenworth County, Kansas.

Also known as 22525 155th Street

Request submitted by C.L. Mauer, Landplan Engineering

Krystal Voth presented the staff report for Case DEV-20-022, a request for a 21-lot plat. Commissioners asked about one parcel having more than one dwelling unit.

The applicant, C.L. Mauer, came forward and said he agreed with the staff report as presented. Mr. Mauer answered questions about the second dwelling that is on one of the parcels along with a main unit. Ms. Voth explained the County's policy on Accessory Dwelling Units and that they will be allowed to keep both units as long as they meet all the criteria of that policy.

Commissioner Himpel moved that the proposed Plat outlined in Case DEV-20-022 be approved as set forth in the staff report with the change that staff made. Commissioner Matthews seconded the motion.

ROLL CALL VOTE

Motion to approve passed, 8/0

The Board of County Commissioners will consider this item on **April 1, 2020 at 9:00 A.M** in the Leavenworth County Courthouse.

Case No. DEV-20-003

Consideration of an application for a Special Use Permit for a Custom Cabinetry Shop, on a tract of land in the Northwest Quarter of Section 17, Township 9, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.

Also known as 17208 Eisenhower Rd

Request submitted by Edward Lavery III

****Public Hearing Required****

Jared Clements presented the staff report for Case DEV-20-003 Consideration of an application for a Special Use Permit for a Custom Cabinetry Shop.

Upon opening the public comment of the hearing Chairman Rosenthal asked for the applicant to come forward. Mr. Lavery came forward and stated that he agreed with the conditions of the Special Use Permit. Chairman Rosenthal asked for people wishing to speak in favor of this request to come forward. Chairman Rosenthal asked for people wishing to speak in opposition of this request to come forward. With no additional information to be presented the public hearing was closed.

Commissioner Himpel moved that the request as outlined in the report for Case DEV-20-003 be approved, and that conditions outlined in the staff report be made part of the permit. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE

Motion to approve passed, 8/0

The Board of County Commissioners will consider this item on **April 1, 2020 at 9:00 A.M** in the Leavenworth County Courthouse.

Case No. DEV-20-021

Consideration of an application for a Special Use Permit for an Event Center, on a tract of land in the Southwest Quarter of Section 3, Township 11 South, Range 21 East of the 6th P.M. in Leavenworth County, Kansas.

Also known as 19051 Tonganoxie Drive

Request submitted by Dan and Cindy Lynch

****Public Hearing Required****

Krystal Voth presented the staff report for Case DEV-20-021 an application for a Special Use Permit for an Event Center, going over their narrative and also the conditions that would be attached to this permit.

Chairman Rosenthal asked if the applicant would come forward. Mrs. Lynch came forward to offer some visual aids to help the Commission see that there is a great distance between the venue and the closest houses. Mrs. Lynch stated that she agreed to the conditions.

Chairman Rosenthal asked for anyone wishing to speak in favor of this request to come forward. Chairman Rosenthal asked for anyone wanting 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 moved that the proposed Special Use Permit as outlined in Case DEV-20-021 be approved, that the findings on the Golden Factors, as 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 request. Commissioner Labbee-Holdeman seconded the motion.

ROLL CALL VOTE

Motion to approve passed, 8/0

The Board of County Commissioners will consider this item on **April 1, 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-19-099

Consideration of a text amendment to amend:

Article 19-Table of Uses

Request submitted by Leavenworth County Planning and Zoning

Krystal Voth presented the staff report for DEV-19-099 an amendment to the Leavenworth County Zoning and Subdivision Regulations, Article 19-Table of Uses. Ms. Voth reminded the commission that this case was continued from December's Planning Commission to allow for two work sessions to go through the Table Uses line by line to discuss the changes.

The public comment portion of the hearing was open. Chairman Rosenthal asked for anyone wishing to speak in favor of this request to come forward. Chairman Rosenthal asked for anyone wanting to speak in opposition of this request. Several residents came forward with questions and clarifications. With no additional information to be presented, the public comment portion of the hearing was closed.

Discussion was had among the commission about the different types of uses that could fall into one use, specially Agri-Business. Ms. Voth explained that we follow the State definition on Agri-Business. Ms. Voth also explained that some of the uses are kept broad in order to find a category that someone fits into when they bring in an application to the County. Commissioner Denney asked staff to explain the process for if someone applied for a large development style project. Commissioner Labbee-Holdeman asked if we could get our uses in the Table of Uses to match the Proposed Comprehensive Plan. Senior County Counselor said we will work with the consulting firm to match terminology with our regulations and the Comprehensive Plan.

Commissioner Himpel moved that the proposed amendment to the 2006 Zoning and Subdivision Regulations outlined in Case DEV-19-099 be approved as set forth in the staff report is adopted by the Planning Commission. Commissioner Schmidt seconded the motion. Discussion was had amongst the Commission about our Table of Uses and the Comprehensive Plan.

ROLL CALL VOTE

Motion to approve passed, 8/0

The Board of County Commissioners will consider this item on **April 1, 2020 at 9:00 A.M** in the Leavenworth County Courthouse.

Case No. DEV-20-038

Consideration of a text amendment to amend:

Articles 3, 4, 35, 40, 55 – Initial Urban Growth Areas, Preliminary Plat Procedure, Final Plat Procedure, & Secondary Urban Growth Areas.

Jared Clements and Krystal Voth presented the staff report for DEV-20-038 an amendment to the Leavenworth County Zoning and Subdivision Regulations, as specified above. Discussion was had between commissioners about the pros and cons of keeping the regulations in secondary growth areas.

The public comment portion of the hearing was open. Chairman Rosenthal asked for anyone wishing to speak in favor of this request to come forward. A resident came forward to ask for clarification about the regulation. With no additional information to be presented, the public comment portion of the hearing was closed.

Senior County Counselor explained the initial purpose of the secondary growth area and the history of why all the exceptions are being granted on this regulation.

Commissioner Himpel moved that the proposed amendment to the 2006 Zoning and Subdivision Regulations outlined in Case DEV-20-038 be approved as set forth in the staff report. Commissioner Matthews seconded the motion. Commissioner DeMoro voiced concern that we need to continue to discuss options.

ROLL CALL VOTE

Motion to approve passed, 7/1

(Commissioner DeMoro voted no, he believes with more thinking something could be worked out between the Cities)

The Board of County Commissioners will consider this item on **April 1, 2020 at 9:00 A.M** in the Leavenworth County Courthouse.

Planning Commission is adjourned at 7:25 PM.

Board of Zoning reconvenes at 7:26 PM

Members present: Steve Rosenthal-Chairman, Wolf Schmidt, Terry Bartkoski, Alex DeMoro, Commissioner Denney, and Jeff Spink

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

Case No. DEV-20-006

Consideration of an application for a Variance from the Leavenworth County Zoning and Subdivision Regulations under Article 5 Section 4 which requires a minimum parcel size of five acres and a minimum frontage of 300' on a tract of land in the Southwest Quarter of Section 23, Township 11 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 25372 Metro Ave

Request submitted by Ben La Chance

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

Jared Clements presented the staff report for Case DEV-20-006, an application for Variance from the Leavenworth County Zoning and Subdivision Regulations. Mr. Clements went through the Golden Factors as they pertain to this case. Commissioner Himpel asked for clarification about the amount of road frontage.

Chairman Rosenthal opened the public comment portion of the hearing and asked if the applicant would come forward. Mr. and Mrs. La Chance came forward and stated that staff outlined all the details of the case. Another resident came forward, he talked about an easement that is on the land that has been abolished that is still being used.

Chairman Rosenthal asked for anyone wishing to speak in favor of this request to come forward. Chairman Rosenthal asked for anyone wishing to speak in opposition to this request.

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

Commissioner Himpel moved that the proposed Variance as outlined in Case DEV-20-006 be granted. That the findings on the Golden Factors, as set forth in the staff report and as substantiated by the facts, testimony and evidence presented, be adopted by this board. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE

Motion to approve passed, 6/0

Board of Zoning Appeals is adjourned at 7:45 PM.