

Jefferson County Planning & Zoning Oskaloosa, Kansas

OFFICIAL

OFFICIAL MINUTES OF THE JEFFERSON COUNTY PLANNING COMMISSION

Minutes of Planning Commission Meeting of May 23, 2016

Item 1. Call to Order.

Item 2. Approval of the Agenda

CHAIRMAN SCHERER CALLED FOR THE APPROVAL OF THE AGENDA. COMMISSIONER FINLEY MAKES A MOTION TO APPROVE THE AGENDA AS PRESENTED. SECRETARY NEWMAN SECONDS THE MOTION.

Votes were taken by Ayes and Nays as follows:

Matt Scherer	Paul Johnson	Alex Noll	Jerry White	Denise Streeter	Matthew Finley	Brandon Newman
DNV	---	---	Aye	---	Aye	Aye

The motion carried unanimously, 3-0.

Item 3. Roll Call

Matt Scherer	Paul Johnson	Alex Noll	Jerry White	Denise Streeter	Matthew Finley	Brandon Newman
Present	Absent	Absent	Present	Absent	Present	Present

Staff Member Sam Henderson, Zoning Administrator and Erin George, Planner I, were also present.

Item 4. Approval of the April 25, 2016 minutes.

Chair Scherer asked if there were any corrections or additions to the minutes and Secretary Newman notes item 3 needs to be corrected.

ACTION: *SECRETARY NEWMAN MAKES A MOTION TO APPROVE THE APRIL 25, 2016, MINUTES WITH CORRECTIONS, COMMISSIONER WHITE SECONDS THE MOTION.*

Votes were taken by Ayes and Nays as follows:

Matt Scherer	Paul Johnson	Alex Noll	Jerry White	Denise Streeter	Matthew Finley	Brandon Newman
DNV	---	---	Aye	---	Aye	Aye

The motion carried unanimously, 3-0.

Item 5. Public Hearing

Chairman Scherer opens the public hearing.

Z2016-05 A request to rezone 11836 Decatur Rd, Ozawkie, KS, from the “AG” District to the “RR” District, at the request of Nancy M. Perry.

Chairman Scherer asked the members if there was any ex parte communication or conflicts of interests regarding the requests and seeing none proceeded with the staff report.

Mr. Henderson presented the staff report for Z2016-05.

Chairman Scherer asked for questions of Staff.

Chairman Scherer invited the applicant to make a presentation.

APPLICANT PRESENTATION

Applicant stated that she will make sure the building permits are applied for and described the use of the buildings.

END APPLICANT PRESENTATION

OPEN PUBLIC COMMENT

Chairman Scherer asked if there was anyone who would like to speak in favor of the application.

Seeing no one Chairman Scherer asked if there was anyone who wanted to speak in opposition to the application.

Chairman Scherer asked if there was anyone who would like to comment on the request before he closed the public comment portion of the hearing.

CLOSE PUBLIC COMMENT

ACTION: SECRETARY NEWMAN MAKES A MOTION TO RECOMMEND APPROVAL OF Z2016-05 BASED ON STAFF’S FINDINGS. COMMISSIONER FINLEY SECONDS THE MOTION.

Votes were taken by Ayes and Nays as follows:

Matt Scherer	Paul Johnson	Alex Noll	Jerry White	Denise Streeter	Matthew Finley	Brandon Newman
DNV	---	---	Aye	---	Aye	Aye

The motion carried unanimously, 3-0.

Staff informed the applicant when the case would be submitted to the County Commission for a final decision and let them know they would receive notice prior to the meeting.

CU2016-01 A request for a Group Day Care Home to be located on Lot 1 of the Erhart Ridge Estates Subdivision, at the request of Kelli Hernandez.

Chairman Scherer asked the members if there was any ex parte communication or conflicts of interests regarding the requests and seeing none proceeded with the staff report.

Mr. Henderson presented the staff report for CU2016-01 including reading 4 letters of support for the request onto the record.

Chairman Scherer asked for questions of Staff and seeing none invited the applicant to make a presentation.

APPLICANT PRESENTATION

The applicant provided an update to the statement of intent requesting for approval to temporarily locate the group day care home at her parent’s home at 15762 Nemaha Rd until construction of the new location requested is completed.

END APPLICANT PRESENTATION

OPEN PUBLIC COMMENT

Chairman Scherer asked if there was anyone who would like to speak in favor of the application.

Seeing no one Chairman Scherer asked if there was anyone who wanted to speak in opposition to the application.

Chairman Scherer asked if there was anyone who would like to comment on the request before he closed the public comment portion of the hearing.

CLOSE PUBLIC COMMENT

ACTION: *COMMISSIONER FINLEY MAKES A MOTION TO RECOMMEND APPROVAL OF CU2016-01 BASED ON STAFF'S FINDINGS AND ALSO RECOMMENDS APPROVAL OF A TEMPORARY LOCATION AT 15762 NEMAHA RD UNTIL CONSTRUCTION OF THE NEW LOCATION IS COMPLETE. SECRETARY NEWMAN SECONDS THE MOTION.*

Votes were taken by Ayes and Nays as follows:

Matt Scherer	Paul Johnson	Alex Noll	Jerry White	Denise Streeter	Matthew Finley	Brandon Newman
DNV	---	---	Aye	---	Aye	Aye

The motion carried unanimously, 3-0.

Staff informed the applicant when the case would be submitted to the County Commission for a final decision and let them know they would receive notice prior to the meeting.

DP2016-03 A request to amend CU1972-06 to update the development plan to include additional buildings and uses including additional boarding houses, school, staff house, hay barn, machine shed, storage sheds, animal shelters, sign, recreational area, and equine training facilities and other associated accessory uses at 15017 27th St, Perry, KS, at the request of Michelle Kincaid.

Chairman Scherer asked the members if there was any ex parte communication or conflicts of interests regarding the requests and seeing none proceeded with the staff report.

Mr. Henderson presented the staff report for DP2016-03.

Chairman Scherer asked for questions of Staff.

Commissioner Finley asked about what type of wastewater systems were in use currently to which staff replied that each home on site had an independent septic system.

Chairman Scherer asked about the comment in the Health Department letter about KDHE having to regulate the wastewater if it was converted to a common lagoon, to which staff replied they did not know the requirements for when KDHE would have to take over but that it would be similar to the Boy Scout camp or the Perry Landing campsite lagoon systems.

APPLICANT PRESENTATION

Applicant and a representative from Alpha Christian Children's Home presented additional comments as well as provided the Commission with documents describing the work that was done at the location. Stated that the approximate timeframe for development was over the next 10 years.

Secretary Newman asked how many animals were on the property the applicant stated that the majority of the property was leased out for grazing about 30 head of cattle and that Alpha Christian Children's Home had a couple of horses and around 9 goats currently as part of 4-H projects for the children.

END APPLICANT PRESENTATION

OPEN PUBLIC COMMENT

Chairman Scherer asked if there was anyone who would like to speak in favor of the application.

Seeing no one Chairman Scherer asked if there was anyone who wanted to speak in opposition to the application.

Linda Keesling of 14437 27th Street stated her main concern was the amount and speed of traffic on 27th Street.

Jim Langton of 14752 27th Street stated his main concern was water pressure and the impact further development would have. He stated that in the summer time the water pressure declines in the evenings to a trickle and he cannot take a shower.

Commissioner White asked Mr. Langton if he had discussed the issue with the rural water district to which Mr. Langton replied that he had but to no avail.

Nick Bidinger of 14956 27th Street stated his main concerns were the possible effects of adding houses to the water pressure, traffic on the road, and the possibility of having troubled youth run away from Alpha Christian property and endanger the neighborhood, said he moved to the country to feel safe.

Fred Aldrich of 14937 27th Street stated his main concern was the potential effects of having animals on the property to his west would have on his pond.

Applicant’s representative rebutted concerns stating that Alpha Christian staff had voluntarily begun reducing their speed on 27th Street and a neighbor he spoke with said that none of the cars he sees speeding on the road are Alpha Christian cars. He stated that he was comfortable being required to obtain documentation from the RWD that they would be able to supply adequate water to any new development, even said that the RWD told him that if they wanted to put two more residences on the site now they could not supply water to them and reiterated that it would be 2020 or 2025 before the new homes could be added. He addressed the pond concerns stating that they were being required by the county to reduce the cedar trees on the property and when those were gone they would have strong grass which would reduce the risk of any runoff onto the neighbor. He also stated that Alpha Christian only accepts guardianship of children who will not be a danger to the staff and other children living in the children’s homes. Currently the capacity was 18 children and when the development plan was fully built out the capacity would be 30 children. Alpha Christian had no plans to expand further because that would require them to expand all current services and they did not have the funding for that.

Chairman Scherer asked if there was anyone who would like to comment on the request before he closed the public comment portion of the hearing.

CLOSE PUBLIC COMMENT

Discussion of what the Planning Commission could do to help with the water and road issues ensues including possible conditions to have the applicant work with road and bridge on dust control and speed regulation on 27th Street. Staff suggested that the best way to regulate speed on 27th Street would be for the neighborhood to approach Road and Bridge and the County Commission and request a reduced speed limit on the road as a separate request.

ACTION: COMMISSIONER FINLEY MAKES A MOTION TO RECOMMEND APPROVAL OF DP2016-03 BASED ON STAFF’S FINDINGS WITH THE FOLLOWING CONDITION:

1. **APPLICANT SHALL SUBMIT VERIFICATION OF THE AVAILABILITY OF SUFFICIENT QUANTITY AND PRESSURE OF WATER FROM RWD 2 WITH ANY APPLICATIONS FOR BUILDINGS WITH PLUMBING.**

SECRETARY NEWMAN SECONDS THE MOTION.

Votes were taken by Ayes and Nays as follows:

Matt Scherer	Paul Johnson	Alex Noll	Jerry White	Denise Streeter	Matthew Finley	Brandon Newman
DNV	---	---	Aye	---	Aye	Aye

The motion carried unanimously, 3-0.

Staff informed the applicant when the case would be submitted to the County Commission for a final decision and let them know they would receive notice prior to the meeting.

DP2016-04 A request to amend CU2013-06 to change the hours of operation, allow events, and serve alcohol at 9392 K-92 Hwy, Ozawkie, KS, generally located on the north side of K-92 Hwy between Ferguson Rd. and Quail Hill Dr., at the request of Randal Long.

Mr. Henderson presented the staff report for DP2016-04.

Commissioner White mentioned that he’d had ex parte communication with the applicant but that it would not influence his opinion of the request.

Chairman Scherer then asked the Commission if anyone else had any ex parte communications or any conflicts of interest and seeing none proceeded with the hearing.

Chairman Scherer asked for questions of Staff.

Chairman Scherer invited the applicant to make a presentation.

APPLICANT PRESENTATION

Applicant stated that they had striped 18 spots and were waiting on a stencil to stripe the ADA spots.

Secretary Newman asked what type of events they would like to have to which the applicant responded that they wanted to have some live music, bike rides, and fund raisers.

Secretary Newman asked if they were planning on staying open until 2am every night to which the applicant responded that they would play it by ear and if they did not have any customers after they closed the kitchen at 10 or 11 they would close the bar.

END APPLICANT PRESENTATION**OPEN PUBLIC COMMENT**

Chairman Scherer asked if there was anyone who would like to speak in favor of the application.

Seeing no one Chairman Scherer asked if there was anyone who wanted to speak in opposition to the application.

Chairman Scherer asked if there was anyone who would like to comment on the request before he closed the public comment portion of the hearing.

CLOSE PUBLIC COMMENT

Chairman Scherer called a recess after which staff began a new recording which is transcribed below.

Chairman Scherer: Are there further questions of the applicant or staff?

Mr. Henderson: I think that Matt was about to make a motion.

Commissioner Finley: Well, to be honest I'm kind of, with respect to Erin, I don't feel like the lagoon situation as it is in the report here I don't feel comfortable making a recommendation to the commission as it is without getting some more concrete answers on those. I mean it just kind of feels like we're going to put it past us to where we can't really influence its position and it might turn out to pretty reckless.

Chairman Scherer: Something beyond the lagoon bothering you?

Commissioner Finley: Well, and the parking. I feel like if you're going to have 49 people you could easily, I know it's not in the regulations, but you could easily have 20 cars there or 30 cars there.

Commissioner White: There's room for them there.

Commissioner Finley: I mean but not on this plan. I guess.

Commissioner White: Yeah it's not on the plan, but there is room and the neighbor volunteered to let him use additional parking in the pasture if he wanted to.

Commissioner Finley: I mean my concern with the pasture is if he's using it every weekend and it turns out to be people are coming and there are people parking in the pasture that's obviously not ideal.

Secretary Newman: Can you bring up the property, not the pasture the actual property?

Commissioner Finley: I'm not saying I'm opposed to it or anything, just have questions you know what I mean?

Secretary Newman: So, this is handicapped and then this is parking, and then will this be parking?

Applicant: Yes, correct, there's 3 parallel parking spots here. This here can all be drive up back behind can all be parking. It's, there's a road and gravel to back here so you could fill that with cars along the side of here.

Secretary Newman: So you could put your staff here?

Applicant: Oh yeah. And staff could even park all the way at this end. Yeah, there's a grass area here you can park.

Secretary Newman: Has this been lined, this side?

Applicant: This is all lined to about here with the regular parking.

Secretary Newman: But handicapped has not been?

Applicant: That has not, the stencil won't be here until Wednesday.

Secretary Newman: This side, has it been stenciled?

Applicant: These 3 parallel spots have been stenciled. So, they said 17 designated parking spaces and then 2 handicapped. So we did 18 and then having room for 3 handicapped. And then if worse ever came to worst if you zoom back out, have access to all this property, too. It's just that we have access to that John would let us and I was told this week we could use.

Chairman Scherer: So would it be inappropriate to make a condition that the applicant would provide an updated site plan before?

Mr. Henderson: No.

Chairman Scherer: I mean I think I see where you're coming from. It's just that we don't really have a development plan here, we have a development plan that's been amended. We just don't. I think Sam needs that in the long term so he can say you know you're not following your development plan and I don't think this is a minor change.

Applicant: What is it that you're requesting?

Chairman Scherer: Just an update.

Secretary Newman: Just an updated picture, because right now it shows all your parking going.

Applicant: Yeah, we found out about that on Saturday.

Mr. Henderson: If they do have the 18 spots again that does meet the minimum requirement in the parking regulations for 49 people, again if they had an event there,

Chairman Scherer: There needs to be something that says this for parking for the event.

Mr. Henderson: Right, and if you have a deal with your neighbor to use his field you probably also want to submit that documentation as well.

Chairman Scherer: As far as the lagoon is concerned they're not going anywhere until Mr. Heston says it's good to go.

Mr. Henderson: Yeah, they probably won't get approved from the Department of Ag for a kitchen until they have an operating wastewater system, somewhere for their water to go. And you can also make a condition, or recommend a condition, of by x date the repairs to the lagoon are required and an inspection by the Health Department will be performed in order to operate the use. Typically they will have that prior to opening, but they want to open on the 15th of June so repairs shall be made no later than June 14 or whatever.

Applicant: So is it conceivable then that we could still be able to, this would still be able to happen by the 14th if these repairs can be made?

Mr. Henderson: Yeah, pending the recommendation of the Planning Commission and the approval of the County Commission on the 13th.

Chairman Scherer: And Mr. Heston's approval.

Mr. Henderson: Right, if that's a condition of the approval. Mr. Heston has to then say yes this passes Health Department standards.

Applicant: So if I get John to inspect it and go by the 12th and have it turned into you on the 13th by the Commissioner's meeting?

Mr. Henderson: Sure, yeah, that would definitely blow that requirement out of the water.

Secretary Newman: Definitely.

Chairman Scherer: Further discussion or action?

General discussion of possible action ensues, including if everyone is comfortable with the change in operating hours, a limitation on the number of guests before a special event permit is required, what limitations if any are on the American Legion of which staff was not aware of any, and possible limitations on noise levels.

ACTION: COMMISSIONER FINLEY MAKES A MOTION TO RECOMMEND APPROVAL OF DP2016-04 BASED ON STAFF'S FINDINGS WITH THE FOLLOWING CONDITIONS:

1. REPAIRS TO THE LAGOON SHALL BE COMPLETED PRIOR TO BEGINNING OPERATION OF THE RESTAURANT.
2. PLANNING AND ZONING SHALL BE NOTIFIED OF THE RESULTS OF THE HEALTH DEPARTMENT INSPECTION OF THE LAGOON.
3. HOURS OF OPERATION BE LIMITED TO 7:00AM TO 2:00AM.
4. EVENTS FOR 150 OR FEWER GUESTS SHALL NOT REQUIRE A SPECIAL EVENT PERMIT.

5. A NEW DEVELOPMENT PLAN WITH THE CHANGES DISCUSSED AT THE PLANNING COMMISSION MEETING SHALL BE SUBMITTED TO STAFF.

SECRETARY NEWMAN SECONDS THE MOTION.

Votes were taken by Ayes and Nays as follows:

Matt Scherer	Paul Johnson	Alex Noll	Jerry White	Denise Streeter	Matthew Finley	Brandon Newman
DNV	---	---	Aye	---	Aye	Aye

The motion carried unanimously, 3-0.

Staff informed the applicant when the case would be submitted to the County Commission for a final decision and let them know they would receive notice prior to the meeting.

Item 6. Public Comment

Chairman Scherer asked for comments from the public on items that were not on the agenda and noted that there was no one who wished to speak.

Item 7. Old Business and General Staff Report:

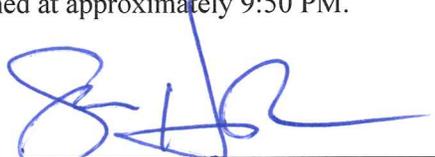
Old Business: Mr. Henderson reviewed the status of the previous month's cases and gave a general update as to upcoming cases and asked for direction on the possible comprehensive plan amendments. The Planning Commission directed staff to prepare for a work session at the July meeting to develop a list of potential uses for the Commercial Recreation overlay and then possibly schedule public information sessions to obtain further information from the public.

Item 8. New Business: Mr. Henderson gave a brief summary of the case on the agenda for June and noted that Ms. George would be representing staff at that meeting because he would be out of town preparing for his wedding.

Item 9. Adjournment

Action: Commissioner White made a motion to adjourn. Secretary Newman seconds the motion. Motion carried unanimously. The meeting was adjourned at approximately 9:50 PM.

Minutes taken by:



 Sam Henderson, Zoning Administrator

Approved:

June 27, 2016

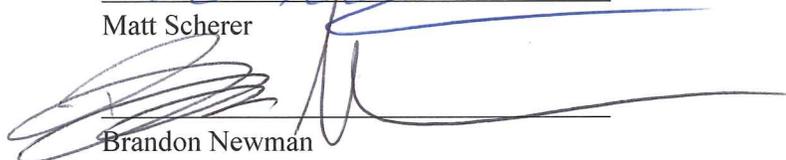
 Date

Chairman:



 Matt Scherer

Secretary:



 Brandon Newman