



Pottawatomie County Planning Commission

Armon Bosse Jr - Chair
Karen Becker – Member
Tim Diederich – Member

Shellee Maginness - Vice Chair
Joe Thomas – Member
Jared Cox – Member
Marcie Wood - Member

Larry Cline - Secretary
Michael Heigert – Member
Andrew Klein - Member

Agenda

Date: February 15, 2018
Time: 7:00 P.M.
Location: Pottawatomie County Office Building - Sunflower Room (Basement)
612 E. Campbell St.
Westmoreland, KS

1. Call to Order - Roll Call
2. Approval of January 18, 2018 Meeting Minutes
3. Adoption of Agenda
4. Public Comment
5. Rezoning Request – Legatus, LLC / Brandt Rudzinski, Applicant
Tract Located in Section 34, Township 9, Range 8 Blue Township
Current Zoning: A1 – Agriculture
Proposed Zoning: R2 – Two & Three Family Residential
6. Comprehensive Plan Update
7. Adjournment



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Meeting Minutes for January 18, 2018

In Attendance: Armon Bosse Jr. - Chair
Shellee Maginness - Vice-Chair
Larry Cline - Secretary
Michael Heigert
Marcie Wood
Karen Becker
Andrew Klein
Jared Cox

Location: Public Works Building
Sunflower Room
612 E. Campbell St.
Westmoreland, KS

Absent: Joe Thomas
Tim Diederich

Staff: John Keller - County Planner
Gregg Webster - Zoning Administrator
Stephan Metzger - Assistant Planner
Peter Clark - Director of Public Works

County Officials: John Watt - Pottawatomie County Counselor
Robert Reece - County Administrator
Pat Weixelman - County Commissioner
Travis Altenhofen - County Commissioner

Also in Attendance: (from sign-in sheet)
Jenice Howard - 102 Kaycee St. Belvue
Brad Caudill - 202 4th St. Belvue
Leroy Brunkow - Belvue Mayor
Norman Stutzman - 614 Broadway Belvue
John Stadum - 209 Broadway Belvue
James Horak - 508 Anderson Belvue
Mary Omodt - 102 Olive Belvue
Jimm Omodt - 102 Olive Belvue
Sue Omodt - 102 Olive Belvue
Bridget Omodt - 102 Olive Belvue
Mary Collier Omodt - 102 Olive Belvue
Scott Long - 13955 Onaga Rd. Onaga
Rich Beck - 7141 NW Arn Rd. Rossville
Jennifer Beck - 7141 NW Arn Rd. Rossville
Francis Awerkamp - 807 W. Linn St. St. Marys
Cole Lamberson - 701 Tuttle St. Manhattan
Mark Campbell - 809 W. Durink St. St. Marys
Keith Engholm - 108 Tomahawk Dr. St. Marys
Jim Jelovnik - 1201 Navajo Dr. St. Marys
John Dorobek - 28594 Gailand Rd. St. Marys
Sarah Dorobek - 28594 Gailand Rd. St. Marys
Nat Parisi - 4630 Shawgueue Rd. St. Marys

Call to order

The Chair called the meeting to order at 7:00 P.M.

The roll was called by Larry Cline, with members being present as shown.

Approval of November 16, 2017 Meeting Minutes

It was noted the minutes had Michael Heigert voting both for and against the motion to decline the motion for the Peddicord Rezoning. It should be shown that he voted for the motion and Andrew Klein voted against the motion.

Cline made a motion to approve the minutes with the noted change. Wood seconded the motion and it was approved by all.

Agenda

Wood made a motion to approve the agenda as presented. Heigert seconded the motion and it was approved unanimously.

Public Comment

There was no public comment.

Conditional Use Permit Request – Francis Awerkamp

Keller presented the staff's report.

He explained the request is for a shooting, with shooting ranges being listed as a Conditional Use in the A1 zoning district.

He discussed the proposed site and its' proximity to the City of Bellevue.

He described the location and the proposed size and features of the range from the information received from the applicant.

He discussed the noise impact, stating that the design submitted shows earthen berms surrounding the range on three sides to help mitigate the noise.

He stated that staff members visited the location, where the applicant had simulated the berm by using a semi-trailer and cardboard.

He explained the people in attendance were approximately 2000 feet away, in the City of Bellevue, when the "test shots" were fired.

He explained that at that demonstration, the shots were barely audible at approximately 2000 feet.

He presented information submitted by the applicant pertaining to noise and environment, anticipated traffic, range insurance and safety procedures. Also including the construction of the range, community service, operations of the range, security measures and economic opportunities for the area.

He then discussed the character of the neighborhood, the zoning and uses of nearby properties, the suitability of the property for the uses to which it has been restricted, anticipated impacts to property values, and the current zoning.

He stated the staff recommends approval of the request.

He explained the options for action on the request as, approve the request, approve the request with conditions, deny the request or table the request.

Francis Averkamp further explained the proposal and felt there seems to be a need for a shooting range in the area.

He further explained the Conditional Use Permit (CUP) process as he understands it, from the County's zoning regulations.

He stated the need to do the project in a manner that would have minimal impact on the surrounding area.

He felt it was important to not impact property values, as well as trying to mitigate the noise.

He explained other staff members who would oversee the operation of the range.

He stated it is their goal to have a professional staff, who can teach gun safety and operate a safe gun range.

He felt it was an effective use of the land as it would have minimal impact on the surrounding agricultural uses.

Rich Beck – stated he is the owner of Patriot Guns, and operates the store in St. Marys. He explained he would operate the range, if approved.

He discussed his background and presented a history of his business – Patriot Outfitters.

He also discussed the potential economic impact of the range for the City of Belvue and surrounding area.

He also talked about the proposed security measures that would be put in place.

He noted the proposed hours of operation, with closing time to be one half hour before sundown but no later than 7:30 pm.

He addressed noise and the environment, operations, traffic, insurance, safety, construction, community service and security for the range.

Cole Lamberson – gave his background in the gun industry and stated he would be the range manager.

He discussed the proposed range construction, specifically the berms and possible trees to mitigate the sound.

He explained the purpose of the berms with regards to the sound waves.

Mary Omodt – stated she was opposed to request because of noise concerns.

She then read a prepared statement expressing her concerns.

She stated there are people currently shooting at the dump site to the south of the proposed shooting range, that can be heard in Belvue.

She felt the noise will have an impact on all City residents and did not want to be subject to it.

She had concerns with the hours of operation, safety, and had issues with the applicant.

She felt a shooting range will de-value her property.

Jim Jelovnik – stated he was at the test shoot with the makeshift berm. He felt the noise generated was barely audible. He felt the proposal was well prepared and was in favor of the request.

Norman – stated he is a resident of Belvue, and noted that a number of property owners were notified by the applicant of the test shoot.

He stated he was in attendance and didn't hear any of the shots.

He wished more people could have attended the demonstration to witness the all the noise happening at the time.

John Stadum – stated he has not heard the gunfire as mentioned by Mrs. Omodt. He said he is excited about the possibility for a local shooting range, and was in favor of the proposal.

Jenice Howard – stated she is not opposed to the shooting range if the noise can be mitigated, as she does not want to hear constant gunfire.

Jimm Omodt – was concerned with noise, but stated many of his questions had already been answered in the applicants' presentation.

He does not want to hear constant gunfire and suggested a less impactful site.

Bridget Omodt – Didn't feel it should be so close to the City of Belvue. She felt that once the range goes in, they would have no recourse on filing of complaint against an approved range.

Dan (no last name given) – stated he lives in Belvue and there is existing noise from the trains that travel through town and from the Hwy 24 traffic.

He didn't feel that a well planned and operated range would have more noise impact than the existing conditions. He spoke in favor of the range.

Mr. Awerkamp understood the concerns expressed and offered to conduct another test shoot, if the Planning Commission chooses, at a time when more City residents can be there.

Nat Parisi – felt that a well design range, where it is a controlled setting, would be better safety wise, than just random shooting. He felt that the applicants have researched the range design very well.

The question was asked on who attended the test shoot.

Those in attendance who were there responded by raising their hand.

JR Bosse stated he was there and did not hear the test shots fired.

Mr. Lamberson stated he was previously employed at a shooting range within the city of Ogden, and explained the economic impact that it had on that city.

A question was asked about an age requirement for range participants.

He responded by saying that no one under the age of 18 would be permitted without supervision.

Klein asked about what the increase in traffic on Mills Road would have on the Onyx operations.

Mr. Awerkamp (his family owns & operates the Onyx Collection manufacturing facility) explained the recent building and parking lot additions to the site.

He noted that the east side of the building, along Mills Road, will not be used for loading / unloading of trucks, as that has been moved to another portion of the building.

Cline asked those in attendance to raise their hand if they were opposed to the request.

The members of the Omodt family were the only who expressed opposition.

Metzger explained the Conditional Use Permit process.

Heigert stated that if a shooting range were proposed next to him, he would be opposed.

He was in favor of suggesting another test shoot, having multiple shooters at one time, and would be in favor of tabling the request to a future meeting.

Wood made a motion to table the request for until the March 15th meeting, so another test shoot can be done.

Cline seconded the motion.

The Chair asked for any additional discussion.

Becker stated she was fine with the motion.

The vote was all in favor of the motion to table the request until the March 15th Planning Commission meeting.

Heigert suggested the Omodt's talk with their neighbors about the test shot demonstration.

Impact Fee Presentation – Carson Bise

It was explained that the County has challenges in funding sources to help pay for the infrastructure in its growth areas and has discussed impact fees in the past. Mr. Bise was asked to give a presentation explaining impact fees and the procedure for implementing them

Mr. Bise explained he is from Tischler-Bise, a firm which specializes in helping cities / counties in the study and implementation of impact fees.

He discussed the company background and some of the communities they have worked with in Kansas.

Topics he discussed were:

- Main sources for funding
- Conceptual framework for funding options
- Impact fees
- Fees versus Taxes
- Eligible costs
- Fee methodology considerations
- Myths & misconceptions
- Challenges facing rural communities
- Typical rural county needs

Unified Development Regulations Review (Continued) – Articles 12 & 13

Metzger explained the proposed changes to Articles 12 & 13.

He noted they were mainly typographical errors and clarification changes.

He stated definitions were also added to Article 13 for Agri-Tourism, Rural Tourism and Open Space.

He also gave an update on the Comprehensive Plan, discussing the make-up of the Steering Committee, and the Open Houses and Listening Sessions.

As there was no further business, the meeting was adjourned.

Pottawatomie County

Office of Planning and Development

207 N. First St. P.O. Box 284 Westmoreland, KS 66549

www.pottcounty.org

Staff Report – February 15, 2018

Agenda Item #5

Request to rezone a tract of land from A-1 Agriculture to R-2 Residential by Brandt Rudzinski – Legatus LLC

This is a 70 acre tract of land located northeast of the intersection of Green Valley Road and Junietta Road. If the tract is rezoned it would permit single family, two family and three family homes. There is no physical development proposal at this time and the request tonight is to rezone only.

Approximately 10% of this tract lies in a floodplain and will remain in open space or used for water retention

Sewer and water are available to the south and capacity is sufficient to handle an urban level development. Both Junietta and the north end of Green Valley Road are unpaved; plans are being prepared to pave Green Valley Rd. north to the intersection, and a developer agreement with the county is under discussion to improve and pave Junietta and Moody Roads.

The developer has completed a traffic impact study and will discuss those findings this evening. Likewise, the storm water management plan for this tract will be discussed after this staff presentation.

Discussion by the Director of Public Works.

- Future road improvements
- Status of developer agreements for improvements
- Traffic analysis
- Storm water retention

Suggested Findings

1. The character of the neighborhood;
The character of the neighborhood is open farm field with one single family home located in the southwest corner of the property.
2. The zoning and uses of nearby properties;
Nearby properties are zoned for residential use
3. The suitability of the property for the uses to which it has been restricted;
This tract has been used for agricultural purposes

4. The extent to which the decision would detrimentally affect nearby property;
The traffic and storm water impact on nearby property value reductions will be discussed
5. The length of time the property has remained vacant as zoned;
The land has always been vacant except for a single family home in the southwest corner of the tract
6. The relative gain to the public health, safety and welfare by the destruction of the value of the plaintiff's property as compared to the hardship imposed upon the individual landowner;
This will be discussed after the public comment phase
7. The recommendation of the staff
8. **The staff recommends that the Planning Commission adopt a recommendation to the Board of County Commissioners to rezone the tract to R-2 provided that a satisfactory road improvement plan is agreed on by the developers and the Board of County Commissioners.**
9. Conformance to the Comprehensive Plan;
This rezoning proposal conforms to the Highway 24 Corridor Plan and the Joint Land Use Plan for Manhattan/Blue Township

Actions:

1. **Recommend the rezoning to the Bd. Of County Commissioners**
2. **Recommend the use with conditions**
3. **Recommend denial of the use**
4. **Table the matter for further discussion**

The Planning Commission should state their individual reasons for their vote

Agenda Item #5 – Rezoning request by Legatus, LLC / Brandt Rudzinski

Request is to change the zoning designation from A1 – Agriculture to R2 – 2 & 3 Family Residential.

Below is the description and permitted uses for the R2 district, and the permitted uses in the R1 district.

This can also be found on the County's website at:

<http://www.pottcounty.org/DocumentCenter/View/360>

"R-2" Two and Three-Family Residence District

A. Purpose: The purpose of the "R-2" district is to provide low density residential opportunities neighborhood settings. These neighborhoods are designed to provide opportunity for persons seeking affordable housing and to encourage "urban subdivisions" in areas of growth and development.

B. Permitted Uses

1. Uses permitted by right in "R1" zoning districts. (*see below*)
2. Single-family attached dwellings; townhouses
3. Two-family or three-family attached units.
4. Offices for professional services limited to attorney, health care, real estate, architect, engineer, draftsman, financial consultant, tax preparation, and similar services.
5. The sale of art, interior decorations, or antiques, are permitted by site plan review.

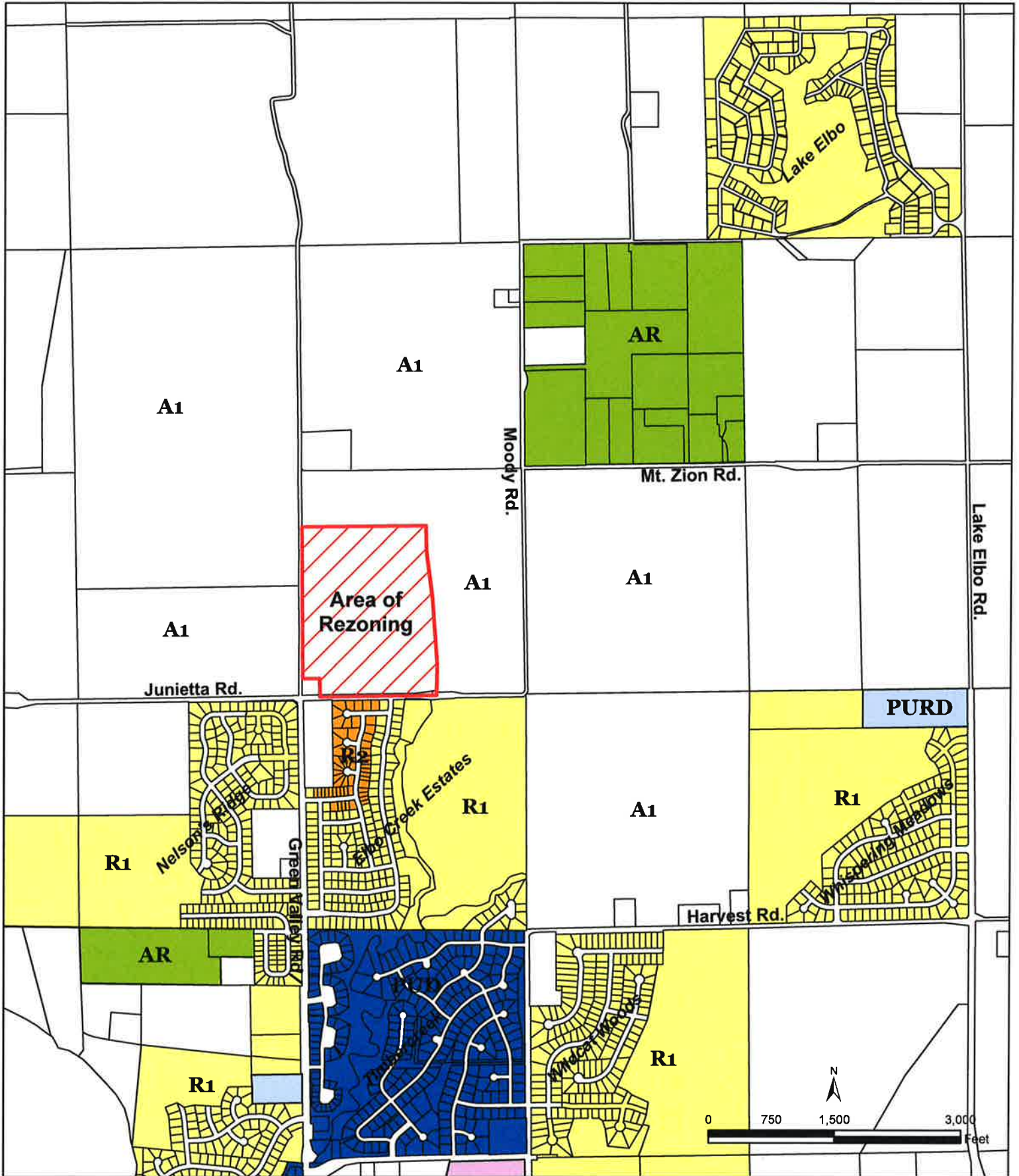
"R1" Single-Family Residential - Permitted Uses

1. Single-family (household) detached dwellings, including residential design manufactured homes.
2. Attached garages.
3. Greenhouses and their accessory uses.
4. Health care professions; any building constructed or adapted shall preserve the residential character and architectural harmony of the neighborhood.
5. Places of worship and their customary accessory uses.
6. Licensed and residential day care.
7. Home occupations with the following limitations:
 - a. No employees other than one family member and one assistant; no more than 25% of the gross sq. feet of the principal structure may be used for the home occupation; all mandated licenses must be obtained from the proper agency and maintained in good standing. Failure to obtain or maintain the necessary license(s) shall constitute grounds for immediate revocation of the home occupation permit see also Article 12-104-C.
 - b. No outside storage permitted.
 - c. One sign, no larger than six square feet on the front of the building, or a monument sign no larger than eight square feet in the front yard. A waiver or adjustment may be granted by the zoning administrator if the distance from the road to the dwelling is excessive.
 - d. Reserved

- e. Deliveries to and from the home occupation shall not require the use of vehicles other than parcel post or similar service vehicles; commercial vehicles greater than one ton capacity shall not be used in conjunction with the home occupation.
 - f. The home occupation shall not generate noise, traffic or parking needs in excess of what is normal in a residential neighborhood.
8. Community or neighborhood centers; places of historic interest, public buildings and philanthropic institutions {offices}.
9. Temporary buildings used as storage or offices for construction; reasonable accessory uses which include, but are not limited to, garages, small custom design storage buildings; public utility facilities and equipment. Temporary job permits are required.
10. A mixed use development option. The Planning Commission may permit a maximum of two (2) non-residential uses or multi-family uses in an "R1" district in developments of 10 lots or more. A sketch and/or preliminary plan must be submitted with the rezoning request. This development plan, along with all covenants and restrictions, must indicate the exact lots to be "set aside" for multi-family or non-residential uses.
- a. Permitted Mixed Uses: Offices, research, personal services, or administrative services, crafts, specialties, and commercial facilities which have a low intensity and activity level. All uses shall be in "residential design" style buildings.
 - b. PROCEDURE: When the Planning Commission recommends that nonresidential or multi-family residential activities are appropriate for a residential area, building permits shall only be issued following a site plan review. The Planning Commission is under no obligation to permit non-residential or multi-family uses, and may reject any and all site plan proposals when not appropriate and convenient to the neighborhood setting. The burden is on the applicant to demonstrate that the site design is in keeping with local architectural standards; that the activity can be safely conducted; that traffic circulation can be effectively minimized, and that the nature of the use is in keeping with the basic concept of the land use plan.
 - c. FAILURE TO UTILIZE: An applicant has the option of not using the "set aside" lots for the non-residential purpose. At the request of the applicant, the zoning administrator shall issue a residential building permit on "set aside" lots.
11. A single small wind energy turbine located on lots of two (2) acres or larger provided that the turbine is sited at least 50 feet from any lot line.

Legatus, LLC Rezoning Request - 2-15-18

Current Zoning Map



A1 - Agriculture **R1 - Single-Family Residential** **R2 - 2 & 3 Family Residential**
AR - Agriculture/Residential **PUD - Planned Unit Development**

Legatus, LLC Rezoning Request - 2-15-18

Locator Map

