



Pottawatomie County Planning Commission

Andrew Klein - Chair
Tim Diederich - Member
Jared Cox - Member

Shellee Maginness - Vice Chair
Armon Bosse Jr. - Member
Robert Boyd - Member
Norm Stutzman - Member

Marcie Wood - Secretary
Michael Heigert - Member
Doug Kern - Member

Agenda

Date: March 19, 2020
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. Public Comments – *Non Agenda Items Only*
 3. Approval of January 16, 2020 Meeting Minutes
 4. Consent Agenda – No Items
 5. Adoption of the Regular Agenda
 6. Regular Agenda
 - A. Rezoning Request – A1 Agriculture to AR Agriculture/Residential
Applicant: Dream Builders, LLC
Location: The North Half (N1/2) of the Southwest Quarter (SW1/4) of Section 20, Township 9, Range 9 in St. George Township
 - B. Final Plat Review – Warner Subdivision Unit Four
Applicant: AJ Griffin
Location: Replat of existing Lots 1 & 3 in Warner Subdivision Unit Three
 7. Adjournment
-



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Meeting Minutes for January 16, 2020

In Attendance: Marcie Wood
Tim Diederich
Andrew Klein
Robert Boyd
Norm Stutzman
Armon Bosse Jr.
Jared Cox
Doug Kern

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

Absent: Shellee Maginness
Michael Heigert

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

Others in Attendance: Jeff Hancock – SMH Consultants
Judson Jones

Call to order

The Chair, Andrew Klein, called the meeting to order at 7:00 p.m.

The roll was called by Marcie Wood, with members being present as shown.

Public Comment

There was no public comment on non-agenda items.

Approval of December 12, 2019 Meeting Minutes

Armon Bosse Jr. made a motion to approve the minutes with noted change.

Wood seconded the motion and it was approved unanimously.

Consent Agenda

Nothing

Regular Agenda

Bosse Jr. made a motion to approve the Regular Agenda as shown.

Wood seconded the motion and it was approved unanimously.

Rezoning Request – Legatus / Brandt Rudzinski

John Keller presented the staff's report.

He discussed the location, acreage of the tract, current and proposed zoning, and the zoning history of the tract.

He further explained the purpose of the current and proposed zoning districts. He stated that a portion of the tract was currently zoned R2, a request that was approved in the last 2 years.

He explained that the developer's proposal has changed and that the R2 zoning is not appropriate for what he is proposing.

He noted the notification area and the number of property owners notified.

He explained the preliminary plat, submitted as part of the PUD request, and explained why it is a PUD.

Keller discussed the character of the neighborhood, noting the current uses and zoning.

He talked about the suitability of the tract for the requested zoning.

He discussed how the request fit with the land use plan.

He stated that staff gives a recommendation for approval.

Jeff Hancock – explained he was present as the applicant's representative.

He further explained the proposal, noting they are larger lots than typically seen in the area.

He stated the developer is wanting to keep as many trees as possible.

He explained the reason for the private road and the long narrow lots with a shared driveway.

He noted the lot (Lot 28) in the NW portion of the plat would be owned by the Homeowner's Association (HOA), for the purpose of RV and boat storage. He explained it would be for the benefit of the lot owners only, not the general public. He noted the lot owners that want to utilize the lot would pay an additional fee to the HOA for the right to use it. He stated there would not be access to the lot directly from Green Valley Road.

He stated the developing would be done in phases and that the developer will select the builders who can build there.

Judson Jones, 8801 Junietta Rd., felt that Mt. Zion Road should be extended west, to connect with Green Valley Rd. to provide better access and circulation to the area.

He had concerns with the drainage, and was fearful that Junietta Rd. will act as a dam, impeding the water from the north.

He stated he was not against development, as long as all the issues are looked at.

Peter Clark explained the existing drainage study performed with the original plat and the proposed regional detention pond project.

He discussed Mt. Zion Rd. and the need to perform a future road network study.

Wood made a motion to approve the request from A1 & R2 to PUD, as presented, with no changes or conditions to the preliminary plat.

Jared Cox seconded the motion, and it was approved unanimously.

Final Plat Review – Heritage Hills Unit 2

Keller presented the staff report.

He discussed the location of the platted area and explained it is the first development phase of the preliminary plat just approved in the PUD rezoning.

He explained the rezoning request still has to go to the Board of County Commissioners for approval, so approval of the Final Plat is for signatures by the Chair and Secretary, if / when the rezoning is approved.

Clark discussed the proposed access onto Green Valley Rd. and because of an existing agreement with the developer, it precludes the developer from being required to pay for additional road improvements. He explained the proposed street entrance, which once it is constructed, may be barricaded until such time that Green Valley Road is improved / paved to the entrance.

Mr. Hancock asked if it could be a locked gate, accessible only by emergency vehicle.

Clark stated that may be considered, after consultation with staff and emergency personnel.

Bosse made a motion to approve the Final Plat of Heritage Hills Unit 2, as presented.

Wood seconded the motion and it was approved unanimously.

Public Hearing – Proposed Changes to Article 11 of the Unified Development Regulations, regarding signs.

Metzger presented the staff report, stating what changes were being proposed.

He explained the main reason was to regulate the sign structure itself and make the regulations “content neutral”.

He discussed a recent Supreme Court case where signs were being regulated by content, with the regulations not being applied fair and equal.

Doug Kern made a motion to approve Article 11, as written.

Cox seconded the motion and it was approved unanimously.

There being no further business, the meeting was adjourned.



Pottawatomie County
Office of Planning & Development
207 N. 1st St. P.O. Box 284 Westmoreland, KS 66502

STAFF REPORT

TO: Pottawatomie County Planning Commission
FROM: Office Staff of Planning and Development

MEETING DATE: 03/19/2020

MEETING RULES:

1. Staff presents proposal
2. Applicant presents the development proposal
3. Persons given written notification are entitled to speak first
4. Applicant is entitled to rebut any testimony
5. Hearing is closed and the Planning Commission is entitled to ask questions of any person present
6. Motion Discussion and Vote
7. Commission members must state reasons for their vote.

Agenda Item: Request to rezone a tract of land from A1 to AR by Dream Builders LLC

This is a request to rezone 79 +/- acres from A1- Agriculture to AR Agriculture / Residential. The tract is located south of the intersection of the Flush Road and Eliza's Road near "Kirtner Hill." The site is 3.5 miles north of Highway 24.

CURRENT REQUEST

The Agricultural Residential "AR" zoning district was created to help maintain rural character on lot sizes that are typically larger than those used in urban areas of the county. The purpose of this rezoning is to create a residential subdivision on lots that may range from 3 – 4 acres. The west 2/3 portion of the tract, the area nearest the Flush Road, is suitable for development while the west 1/3 lies partially within the 100 year floodplain. The tract will use individual septic fields and be connected to rural water. Sight distance is adequate for an entrance from the Flush Road. Only one entrance is required because of the size of the lots and since it is a rural subdivision.

The general area around Kirtner Hill has attached large lot residential growth over the past 2 decades. The rezoning area adjoins two residential subdivisions – Diamond Ridge and Hillside Acres – both of which are zoned AR Agricultural / Residential. The surrounding area is populated by large rural tracts with individual residences.

Property owners within 1,000 feet of the rezoning tract were notified of the hearing. Twenty property owners on 20 lots were notified by mail. Notice of the public hearing was also published in the Wamego Times.

The Director of Public Works will detail the traffic impact and the stormwater analysis.

ANALYSIS AND SUGGESTED FINDINGS

(1) The character of the land;

The current land use is agriculture. The tract is used for row crop and pasture, and has never been rezoned.

(2) The zoning and uses of properties nearby;

Nearby properties are zoned AR Agricultural / Residential or A1 Agricultural. Surrounding properties are used for residential purposes and are generally zoned AR Agricultural Residential. Immediately to the north of this property are two residential (large Lot) subdivisions: Diamond Ridge Estates and Hillside Acres.

(3) The suitability of the subject property for the uses to which it has been restricted;

The property is currently vacant and the tract is strategically located for a new housing development.

(4) The extent to which the restrictions will detrimentally affect nearby property.

A finding of fact is required by the Planning Commission following the public comment period.

(5) The length of time the subject property has remained vacant as zoned;

This tract has always been vacant

(6) The gain to the public health, safety, and welfare by the possible diminution in value of the developer's property as compared to the hardship imposed on the individual landowners;

Finding of facts required by the Planning Commission

(7) The recommendations of a permanent or professional planning staff;

The rezoning proposal meets the goals and criteria established in the Pottawatomie County Comprehensive Plan 2040 adopted by Pottawatomie County in 2019. The rezoning tract is designated as "estate zoning" in the land use plan. The estate designation is for rural areas that, due to public service limitations or prevailing rural character, should have limited development activity other than large lot residential. Such areas provide a transition between the County's rural fringe and more suburbanized patterns. Lots in this designation provide substantial open space and separation between individual dwellings. The staff recommends adoption of the zoning request.

(8) The conformance of the requested change to the county's master or comprehensive plan.

This land use change is in full conformance with all adopted plans in Pottawatomie County. It is planned and designated for residential large lot use. It meets the requirement of the paved road connection.

OPTIONS

1. You can approve the zoning change from A1 to AR as presented.
2. You may approve the rezoning with conditions.
3. You can deny the request.
4. You may table the hearing to a later date to find additional facts.

Agenda Item: Final Plat Review – Warner Subdivision Unit Four

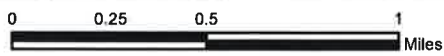
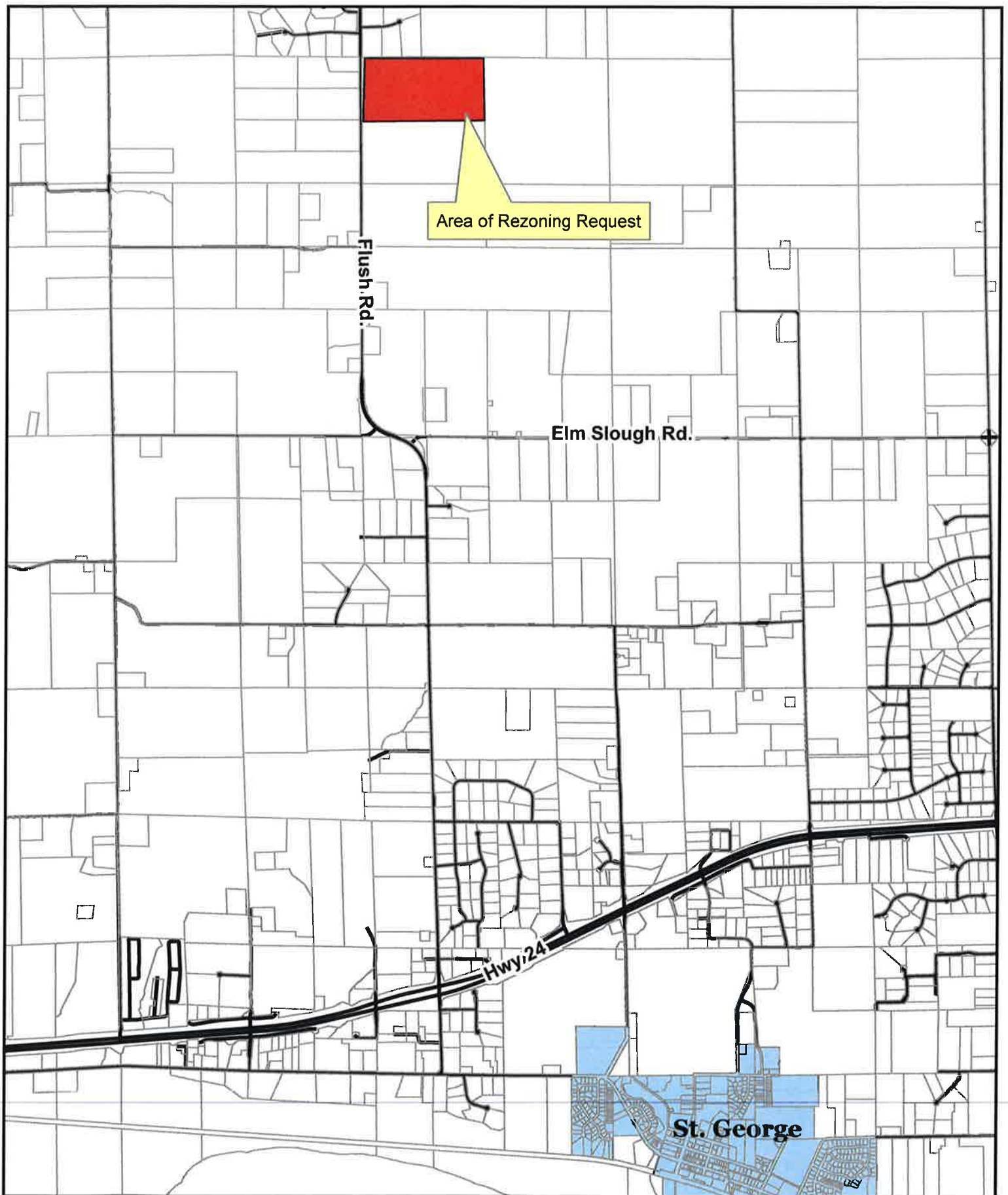
Warner Subdivision was originally platted in 1996, and contained six lots, ranging in size from 14 to 25 acres. Since that time all of the lots have been re-platted, creating smaller lots. It is located approximately ¾ mile west of Lake Elbo Rd., on the north side of Mt. Zion Rd., in Blue Township.

The purpose of the Unit 4 plat is to divide an existing 9 acre lot to create 2 lots. The plat also adds a travel easement to an existing lot to provide access to the new lot. A travel easement may be established through one lot to provide access to one other lot. No new public streets are being created by this plat.

The plat has been reviewed by staff and has been found to comply with County zoning and subdivision regulations.

By motion, your options are:

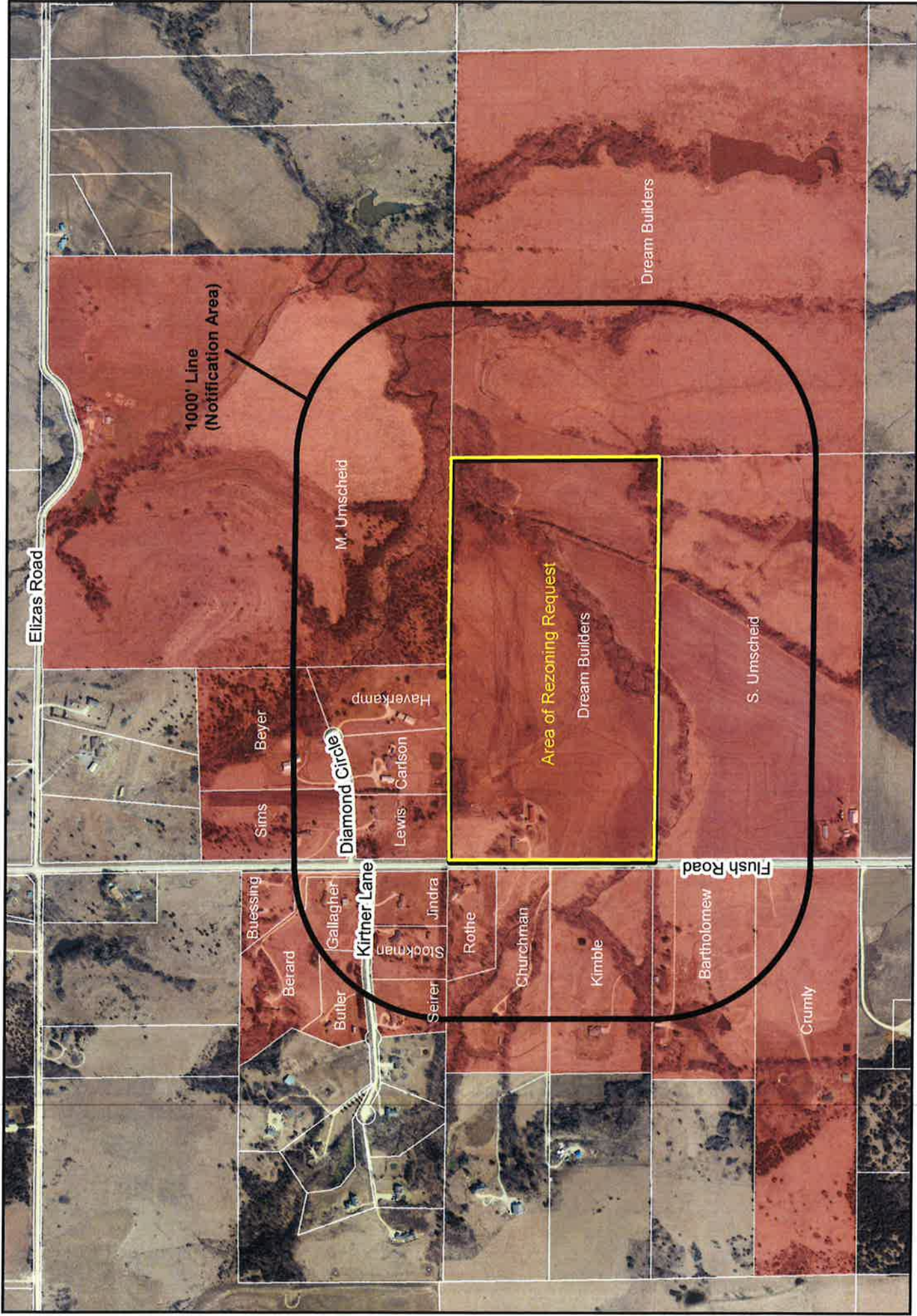
1. Approve the plat as presented
 2. Approve the plat with changes
 3. Deny the plat because it doesn't comply with County regulations
-



Scale 1" = 1/2 mile



Dream Builders, LLC Rezoning Request
March 19, 2020



Dream Builders LLC - Rezoning Request
March 19, 2020



DESCRIPTION:
Lots 1 and 3, Warner Subdivision, Unit Three, Pottawatomie County, Kansas.
Subject to easements and restrictions of record.

OWNER'S CERTIFICATE

STATE OF KANSAS)
COUNTY OF POTTAWATOMIE) SS

This is to certify that the undersigned are the owners of record of the land hereon described on this plat, and that the undersigned have caused the same to be surveyed and subdivided as herein set forth.

The undersigned, as such owners, do hereby state that all street right-of-way as shown on this plat are hereby dedicated to the public. An easement and license to locate, construct, operate, inspect, replace, and maintain, or authorize the location, construction, operation, inspection, replacement and maintenance of poles, wires, conduits, water, gas, and sewer pipes; required drainage channels or structures; hard and impervious surfaces; or other structures necessary to carry out the function of the easement, upon the area marked for easements on this plat, is also hereby dedicated to the public.

Given under my hand at _____, Kansas this _____ day of _____, 2020.

A. J. Griffin Wayne B. Griffin

Connie Griffin

NOTARY CERTIFICATE

STATE OF KANSAS)
COUNTY OF POTTAWATOMIE) SS

BE IT REMEMBERED, that on this _____ day of _____, 2020, before me, the undersigned, a notary public in and for the County and State aforesaid, came _____

A. J. Griffin, Wayne B. Griffin and Connie Griffin

personally known to me to be the same persons who executed the foregoing Owner's Certificate, and duly acknowledged their execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal on the day and year last above written.

Notary Public

My appointment expires: _____

POTTAWATOMIE COUNTY PLANNING BOARD CERTIFICATE

STATE OF KANSAS)
COUNTY OF POTTAWATOMIE) SS

Approved this _____ day of _____, A.D. 2020.

Pottawatomie County Planning Board.

Chairman Secretary

County Officials

County Zoning Administrator County Engineer

County Planning Director Emergency Management Director

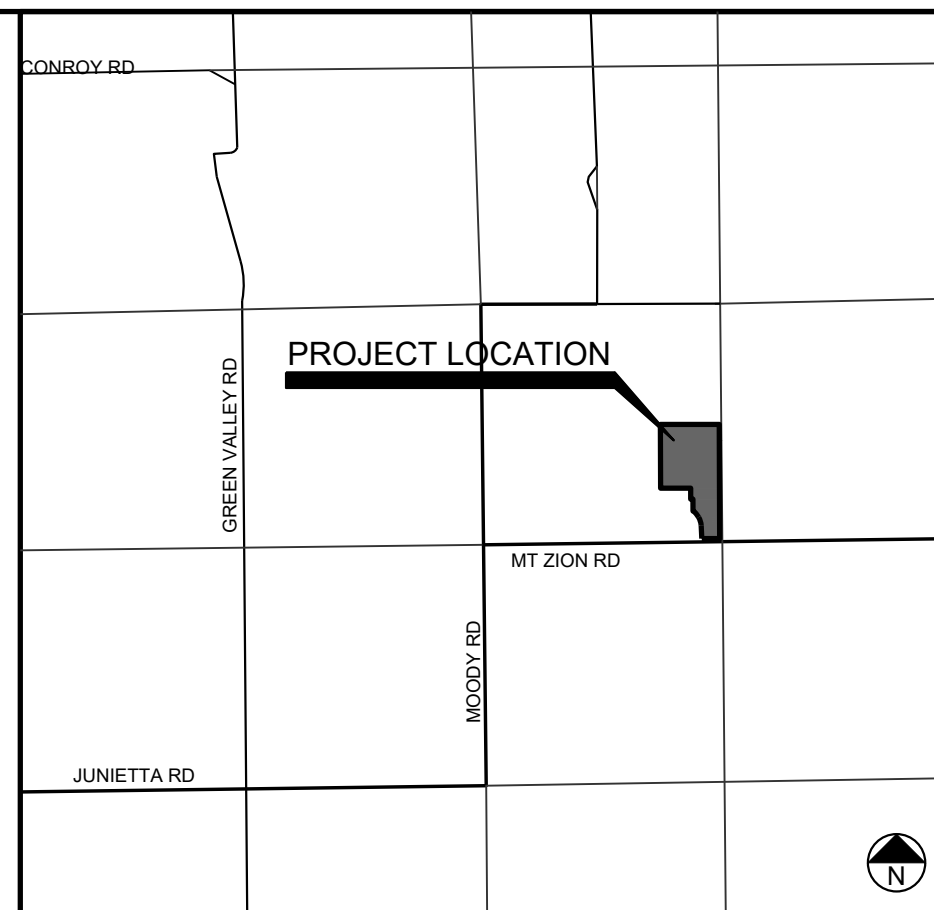
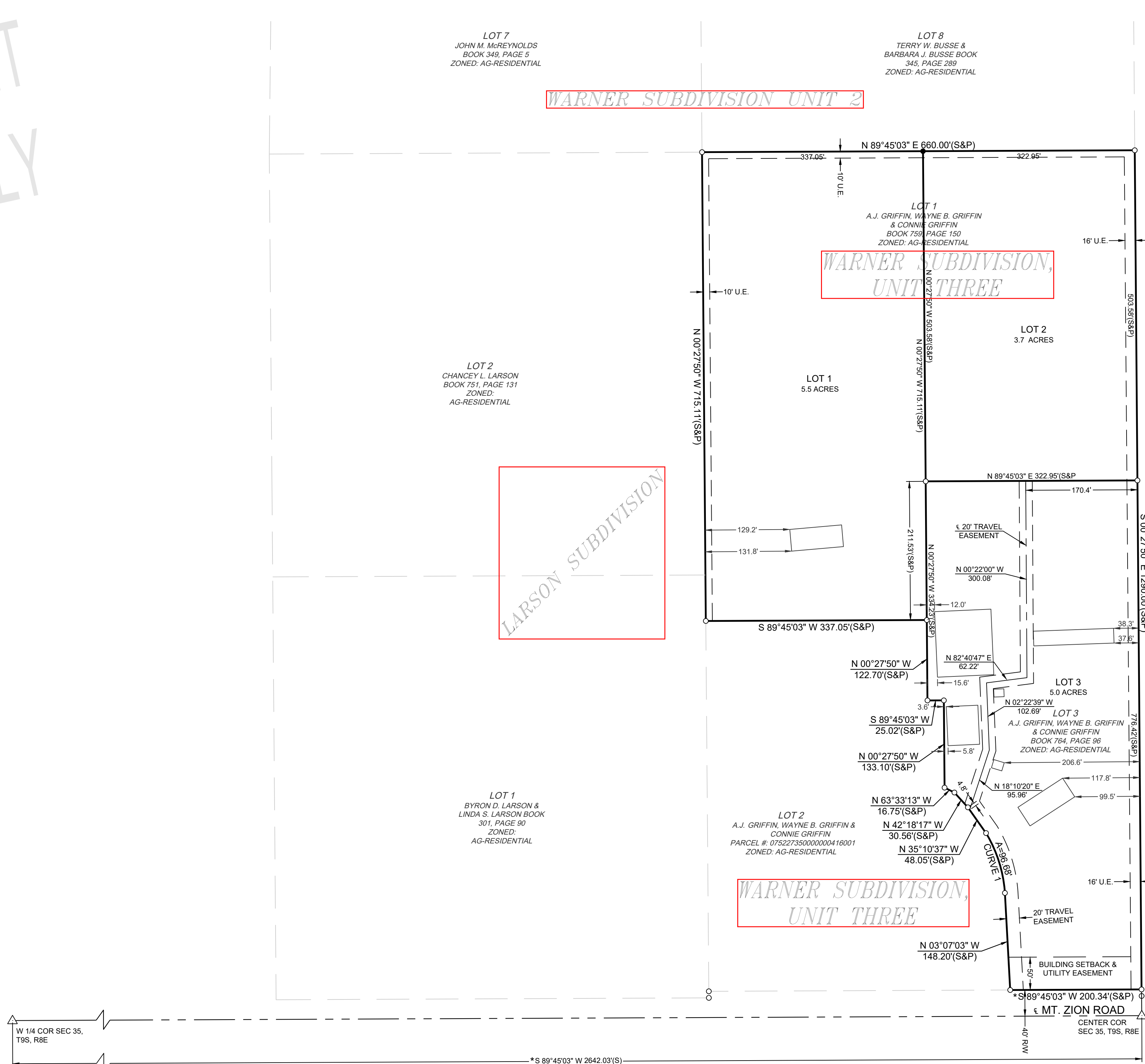
County Sanitarian Fire Supervisor

County Counselor

POTTAWATOMIE COUNTY PLAT REVIEW SURVEYOR SIGNATURE BLOCK

This survey has been reviewed and approved for filing pursuant to and in compliance with K.S.A 58-2005 and with the requirements of Pottawatomie County Resolution No. 2015-52. No other warranties are extended or implied.

Approved By: _____ Date: _____
Signature _____ License: _____
Print Name _____



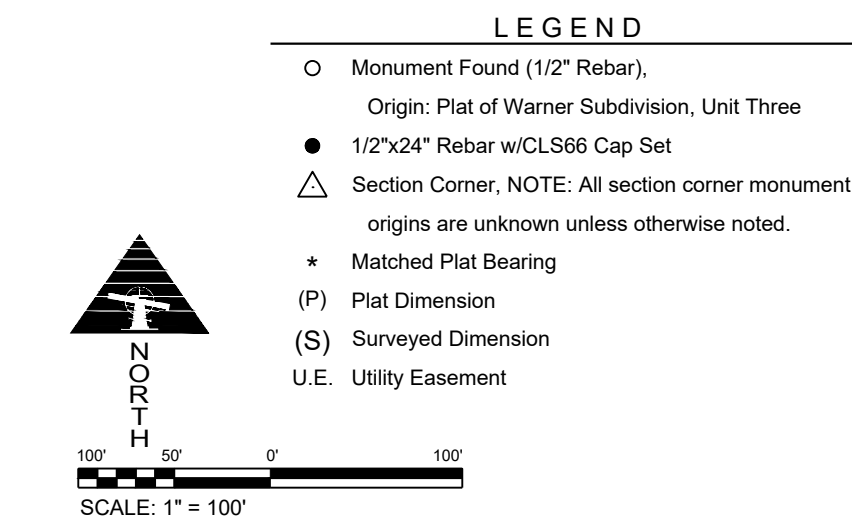
VICINITY MAP (NOT TO SCALE)

NOTES:
No easements, restrictions, reservations, setbacks, or other matter of record, if any, affecting the title of this property are shown, except as plated, as per agreement with the landowner.
No gaps or overlaps exist.
There are no lines of possession that affect this survey.
Bearings used for this survey were based on the South line of the Northwest Quarter of Section 35, T9S, R8E, being platted S 89°45'03" W.

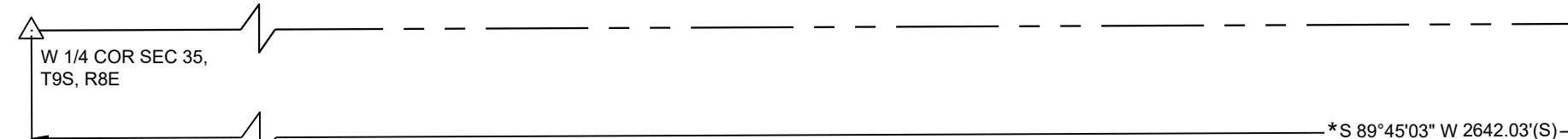
Floodplain Note:
According to the Federal Emergency Management Agency Flood Insurance Rate Map, Community-Panel Number 20149C0480F, dated March 16, 2015, the subject property is in Zone X. *Areas determined to be outside the 500-year flood plain*.

Utility Notes:
Any utility company that locates facilities in any easement shall have the right to prune, remove, eradicate, cut and clear away any trees, limbs, vines and brush on the utility easement now or at any future time and prune and clear away any tree limbs, vines, and brush on lands adjacent to the utility easement whenever, in the utility companies judgment, such may interfere with or endanger the construction, operation, or maintenance of its facilities, together with the right of ingress to and egress from the utility easement and contiguous land subject to this plat for the purpose of surveying, erecting, constructing, maintaining, inspecting, rebuilding, replacing, and with or endangering the construction, operation or maintenance of said facilities.

UN-PLATTED LAND
JEFFREY C. PARKER
BOOK 724, PAGE 146
ZONED: AGRICULTURE



PROPERTY LINE CURVE DATA table with columns: No., Radius, Arc, Chord, Delta, Tangent, Bearing. Row 1: 203.52', 96.66', 95.77', 27°13'00", 49.27', N 17°29'28" W



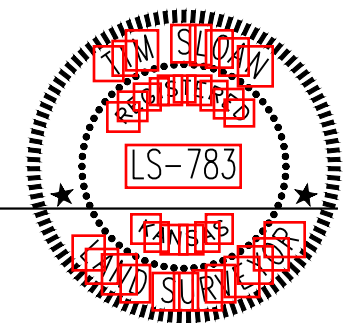
SURVEYOR'S CERTIFICATE

STATE OF KANSAS)
COUNTY OF POTTAWATOMIE) SS

I, the undersigned, do hereby certify that I am a Professional Surveyor in the State of Kansas, with experience and proficiency in land surveying; and that the heretofore described property was surveyed and subdivided by me, or under my supervision, that all subdivision regulations of Pottawatomie County, Kansas, have been complied with in the preparation of this plat, and that all the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief.

Given under my hand and seal at Manhattan, Kansas this _____ day of _____, A.D. 2020.

SMH Consultants
By: Tim Sloan



Tim Sloan, P.S.
President

CERTIFICATE OF THE COUNTY COMMISSION

STATE OF KANSAS)
COUNTY OF POTTAWATOMIE) SS

Approved this _____ day of _____, A.D. 2020.

Pottawatomie County Commission, Pottawatomie County, Kansas.

Chair Vice-Chair
Member Attest: Nancy McCarter
County Clerk

RESERVED FOR THE REGISTER OF DEEDS RECORDING LABEL

Final Plat
WARNER SUBDIVISION UNIT FOUR
A Replat of Lots 1 and 3, Warner Subdivision, Unit Three, Pottawatomie County, Kansas



Civil Engineering • Land Surveying • Landscape Architecture
www.smhconsultants.com
Manhattan, KS - HQ P: (785) 776-0541 • Dodge City, KS P: (620) 255-1952
Overland Park, KS P: (913) 444-9615 • Colorado Springs, CO P: (719) 465-2145

Drawn By: DBA Project #2002MN1035 DD #118
FEBRUARY 2020