



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 21, 2019
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. Consent Agenda - *Items are those of a routine nature and will be approved by one motion, without separate discussion. Commission members may ask questions or accept questions from the floor. Members may request an item be removed from the Consent Agenda and added at the end of the Regular Agenda for more discussion.*

No items

4. Approval of February 21, 2019 Meeting Minutes
5. Adoption of the Regular Agenda
6. Regular Agenda
Final Plat Review – Enclave At Heritage Hills
Located in the Southeast Quarter of Section 34, Township 9, Range 8
Northeast of the intersection of Green Valley Road and Junietta Road
Blue Township
7. County Comprehensive Plan – Review Draft Plan
Green Valley Neighborhood Plan Update
8. Adjournment



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Meeting Minutes for February 21, 2019

In Attendance: Armon Bosse Jr.
Marcie Wood
Norm Stutzman
Tim Diederich
Michael Heigert
Jared Cox

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

Absent: Robert Boyd
Doug Kern
Andrew Klein
Shellee Maginness

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

Others in Attendance: Carl Stich, Mark Ebert

Call to order

In absence of the Chair and Vice-Chair, Secretary Marcie Wood called the meeting to order at 7:36 P.M. The roll was called by Armon Bosse Jr., with members being present as shown.

Public Comment

There was no public comment on non-agenda items.

Consent Agenda

There were no items on the consent agenda.

Approval of January 17, 2019 Meeting Minutes

Norm Stutzman made a motion to approve the minutes as written. Bosse seconded the motion and it was approved unanimously.

Regular Agenda

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

Rezoning Request - CN to R1 by Carl Stich

John Keller presented the staff's report on the request.

He noted who the applicant was for the request and discussed the current and proposed zoning districts.

He talked about the location and size of the tract.

He explained the property is a lot within the Dot Com Plex subdivision, of which part is zoned commercial (CN – Commercial Neighborhood) and the remainder is zoned residential (AR – Agriculture/Residential).

He stated the lot was originally zoned to CN from A1- Agriculture in 1999, with the house on the lot existing at the time of the rezoning.

He said the applicant for the zoning change at that time envisioned renting or converting the house for commercial use.

He explained that for the past 18 years, it appears they have been unsuccessful in using the house for commercial use.

He noted the current owner wishes to change the zoning to a residential zoning (R1 – Single family residential) to make the zoning compatible with how the property is being used.

He also explained the applicant's wish to change the zoning is to remedy any issues with the mortgage company about having the residential use property, zoned as commercial.

He discussed the zoning and uses of neighboring properties, the current and proposed use of the subject property, the length of time the property has been zoned as it is, and the suitability of the property for the requested zoning.

He suggested there would be no negative impact on property values with the proposed zoning change, and that the request conforms to the land use plan for the area.

He noted a drainage study and traffic analysis was not required as part of the request because it had already been addressed when the property was rezoned in 1999.

He stated that the staff supports the request and recommends approval of the change.

Mr. Stich stated that the property has been used for residential use and he has no plans to change it to commercial.

Michael Heigert made a motion to approve the zoning change from CN to R1.

Tim Diederich seconded the motion and it was approved unanimously.

Unified Development Regulations Amendment – Regarding Communication Towers

Keller presented the staff's report.

He discussed the history of County regulations regarding the placement of communication towers.

He briefly discussed the Federal Telecommunications Act, and State law regarding the regulations and placement of communication towers.

He presented the current County regulations and the proposed changes.

He explained the proposed changes are to keep the regulations in compliance with State and Federal

He discussed the different types of towers and the need for more towers because of the increase in demand for wireless services.

There was discussion on tower types, height, the number of antennae, co-location, existing structures and impact on neighborhoods.

Heigert made a motion to approve the proposed changes to the cell tower regulations as presented.

Armon Bosse Jr. seconded the motion and it was approved unanimously.

County Comprehensive Plan Update / Green Valley Plan Update

Stephan Metzger presented an update on the County Comprehensive Plan.

He gave a brief history of the Plan to date.

He discussed the open house held on February 4 at the Westmoreland Elementary School gymnasium.

He discussed the Green Valley Plan "Town Hall Meeting" held at the National Guard Armory in Manhattan and February 5.

He talked about the comments received and the number of surveys submitted.

There was discussion on current traffic on Hwy 24 and the status of a study on a second access to Manhattan – the Marlatt / Junietta Extension, and expansion of Hwy 24 to 6 lanes.

He noted the plan is to the stage where the Planning Commission is set to review the draft plan and make a recommendation on it.

He began the review of the draft County Plan by giving an outline of the Plan and discussing the components of it.

The Planning Commission viewed a Power Point presentation and were given a link to draft plan on the County website.

He discussed the Future Land Use Map, Growth management and Preservation and Open Space.

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 – March 21, 2019

Final Plat – The Enclave at Heritage Hills

The Enclave at Heritage Hill is located on the northeast corner at the intersection of Junetta Road and Green Valley Road in Blue Township.

The final plat of the Enclave at Heritage Hills contains 11 single family lots and 14 duplex lots. In addition, the plat incorporates Tract A at 1.3 acres and Tract B at 8.7 acres which is donated to the county for a regional detention pond to help detain upper storm water runoff.

The single family lots range for 13,219 sq. ft. 8900 sq. and the duplex lots range from 12,052 sq. ft. to 75,505 sq. ft.

- Lots 2 – 5 contain a major drainage easement to comply with the regulation that all construction must have a 100 ft. setback from the thread of the stream
- The county staff has reviewed the plat for compliance and all corrections and addition have been finalized

Possible Actions

1. Adopt the final plat
2. Adopt the final plat with modifications
3. Reject the proposal for substantial reasons
4. Set aside for future action

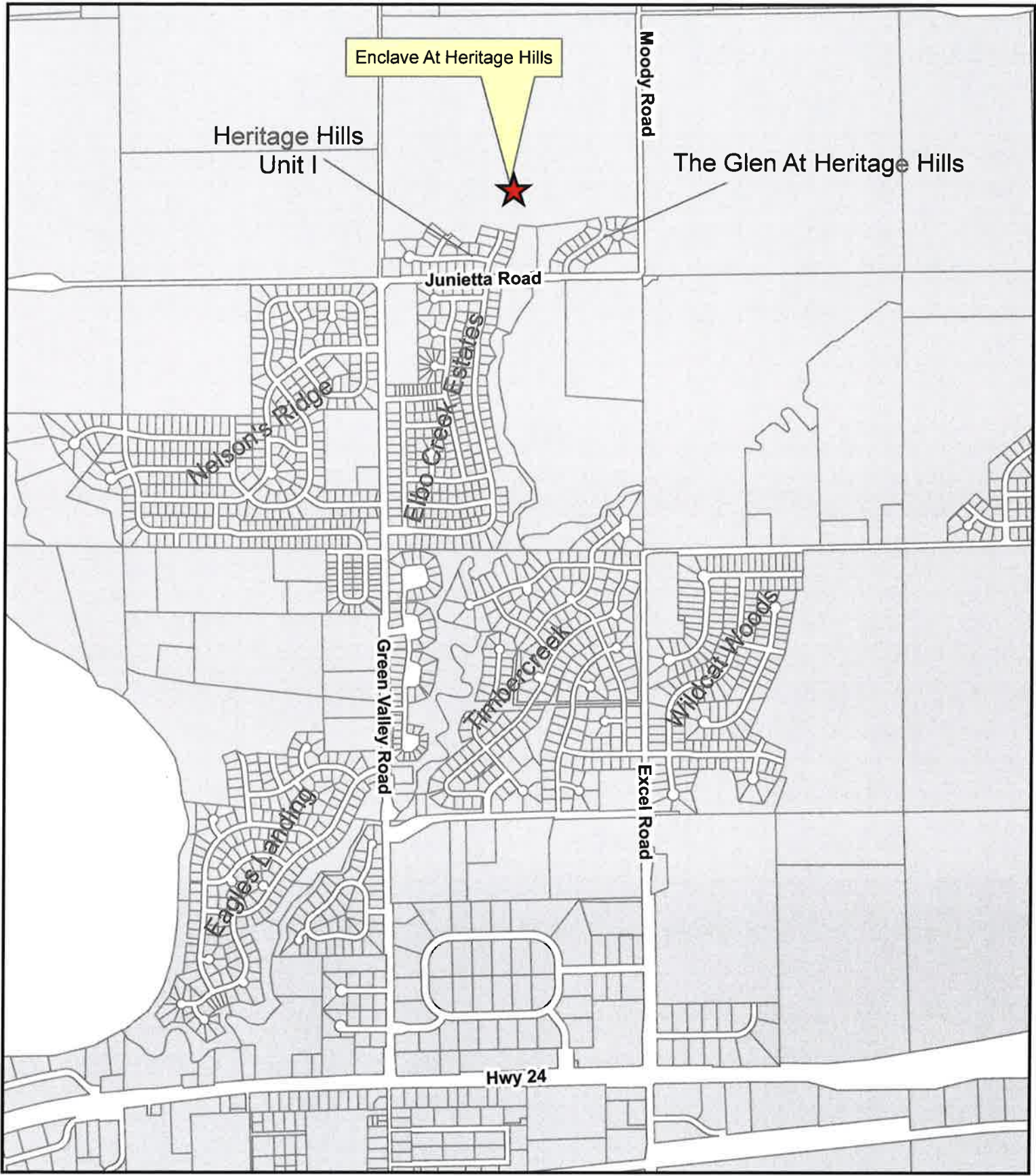


County Comprehensive Plan Draft - Topics for Discussion

Below are some topics for discussion at Thursday's Planning Commission meeting. We are taking a slightly different approach than last month's meeting. Rather than us reading to you an abridged version of the plan, we are going to focus instead on the big picture items. In addition, if there are other aspects of the plan that you would like to discuss, feel free to bring them up on Thursday.

The topics and the page numbers on which they are discussed are as follows:

1. Quarter – Quarter Rule (page 13): The Steering Committee recommended no changes to the regulation. The strategic action priorities leave the door open to potentially change the regulation should circumstances change.
2. Keep growth along the Highway 24 Corridor and existing cities (pages 10, 11, 81): This is something that came up repeatedly during the planning process. Keep growth where it is, and preserve the rest.
3. Capital Improvements Program (pages 45, 57, 58, 59): This is maybe the single most recommended program in the comprehensive plan.
4. Prioritizing road upgrades, a pavement management program, pro-active preventive maintenance (pages 45 and 46): These programs are closely related to the capital improvements program.
5. Zoning and subdivision regulations changes (page 12, 27, 31): One of the first things that will follow the adoption of the Comprehensive Plan is review of our zoning and subdivision regulations to make sure they follow the plan's recommendations.
6. Biking and Hiking Trails (pages 42, 47, 84): During this planning process, active transportation was consistently prioritized more highly by the public than by the planning commission or Board of County Commissioners.
7. Manhattan Area Planning Board (page 61): Just prior to beginning this process, staff discussed joining the Urban Area Planning Board. At the time, planning commission seemed open to the idea. This plan places a high priority on joining the planning board.
8. Preserving prairie land (pages 81 and 88): The plan makes several recommendations for how to preserve prairie land in the county.
9. Preserving more open space in developments (page 92): The plan recommends more stringent requirements for open space dedication in new developments, especially in the Green Valley Area.
10. Create a Thoroughfare Plan Map (page 49): This plan would inform many of the County's transportation decisions in the future.



Locator Map - Enclave At Heritage Hills
Final Plat

Description:

A tract of land in the Southeast Quarter of Section 34, Township 9 South, Range 8 East of the Sixth Principal Meridian, Pottawatomie County, Kansas described as follows:

Beginning at the Northwest Corner of Lot 21, Heritage Hills, Unit One, a Subdivision in the Southeast Quarter of said Section 34; then to the Southeast Corner of said Section 34; then to the Northwest Corner of Lot 21, Heritage Hills, Unit One, a subdivision in the Southeast Quarter of said Section 34; then to the Southeast Corner of said Section 34; then to the Northwest Corner of Lot 21, Heritage Hills, Unit One, a subdivision in the Southeast Quarter of said Section 34...

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 _____, 2019.

Legatus, LLC, a Kansas Limited Liability Company

Brandt J. Rudzinski, Managing Member

NOTARY CERTIFICATE

STATE OF KANSAS)
COUNTY OF POTTAWATOMIE) SS

BE IT REMEMBERED, That on this _____ day of _____ A.D. 2019, Before me, the undersigned, a Notary Public in and for the County and State aforesaid came Brandt J. Rudzinski, Managing Member of Legatus, L.L.C., a limited liability company duly organized, and existing under and by virtue of the laws of Kansas, who is personally known to me to be such Trustee, and who is personally known to me to be the same person who executed, as a member, the within instrument of writing on behalf of said limited liability company, and such person duly acknowledge the execution of the same to be the act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my official seal the day and year last above mentioned.

My commission expires _____

Notary Public

Print Name

POTTAWATOMIE COUNTY PLANNING BOARD CERTIFICATE

STATE OF KANSAS)
COUNTY OF POTTAWATOMIE) SS

Approved this _____ day of _____, A.D. 2019.

Pottawatomie County Planning Board.

Chairman Secretary

County Officials

County Zoning Administrator County Counselor

County Planning Director County Engineer

County Sanitarian Emergency Management Director

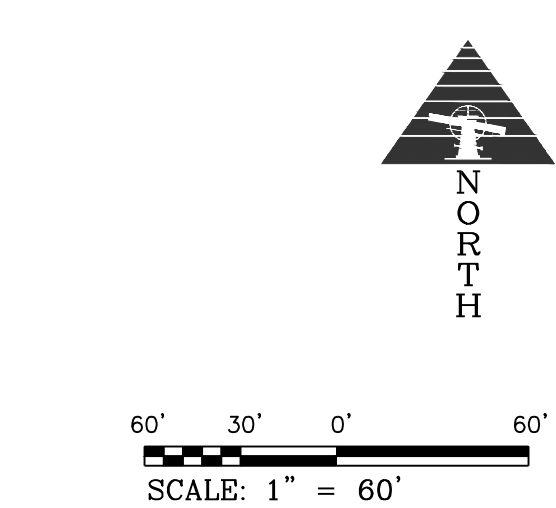
Fire Supervisor

LEGEND

- Monument Found (1/2" Rebar), Origin - Heritage Hills, Unit One
1/2"x24" Rebar w/CL566 Cap Set Section Corner, NOTE: All section corner monument origins are unknown unless otherwise noted.
Assumed Bearing
Plat Dimension
Surveyed Dimension
Utility Easement
Utility Easement Hatch
Drainage Easement
Drainage Easement Hatch
Pedestrian Easement
Pedestrian Easement Hatch
Flood Zone A
Flood Zone AE
Curve Number
Bearing & Distance Number

FUTURE PHASES OF HERITAGE HILLS

LEGATUS, LLC BK 748, PG 01



FUTURE PHASES OF HERITAGE HILLS

LEGATUS, LLC BK 748, PG 01

POINT OF BEGINNING

HERITAGE HILLS, UNIT ONE LEGATUS, LLC BOOK E, PAGE 166

LOT 2 LOT 1

FUTURE PHASES OF HERITAGE HILLS

LEGATUS, LLC BK 748, PG 01

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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

CERTIFICATE OF THE COUNTY COMMISSION

STATE OF KANSAS)
COUNTY OF POTTAWATOMIE) SS

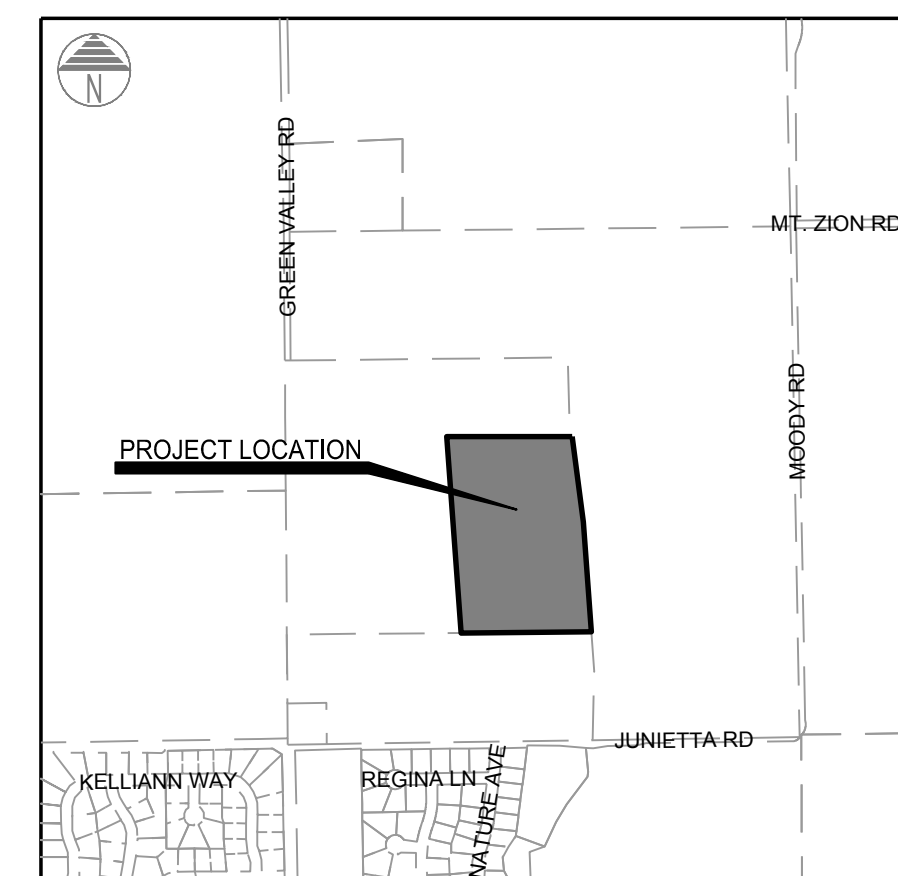
Approved this _____ day of _____, A.D. 2019.

Pottawatomie County Commission, Pottawatomie County, Kansas.

Travis Altenhofen, Chair Dennis P. Weixelman, Vice-Chair

Deloyce McKee, Member Attest: Nancy McCarter County Clerk

Table with 6 columns: NO., RADIUS, ARC, CHORD, DELTA, TANGENT, BEARING. Contains 5 rows of curve data.



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. Parent Tract is recorded in Book 748, Page 01, Register of Deeds Office, Pottawatomie County, Kansas.

There are no buildings on the subject property. All building setback requirements shall be determined by the zoning district, unless otherwise noted.

The subdivision is to be served by public water and sewer facilities. Sidewalks shall be built along both sides of all internal streets.

Tract A is to be dedicated to the Heritage Hills Homeowner's Association as Common Area. Tract B is to be dedicated to Pottawatomie County for the construction of a Regional Detention Pond.

Zoning: R2 - Two & Three Family Residential. Erosion control provisions, per the requirement of the County Engineer, shall be required during the entirety of the roadway, utility and home construction.

FLOODPLAIN NOTE: A portion of the platted area falls within the 1% annual chance flood area, Flood Zone AE. The remaining platted area falls within Flood Zone X, areas outside the 1% and 0.2% annual chance flood areas. Flood information shown is from a Flood Insurance Rate Map (FIRM) for Pottawatomie County, KS. Panel Number 20149C0460F with an effective date of March 18, 2015.

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.

Table with 2 main sections: 100.0' SETBACK FROM STREAM DATA and DRAINAGE & PEDESTRIAN EASEMENT. Each section has columns for NO., BEARING, DISTANCE.

RESERVED FOR THE REGISTER OF DEEDS RECORDING LABEL

THE GLEN AT HERITAGE HILLS LEGATUS, LLC

SURVEYOR'S CERTIFICATE

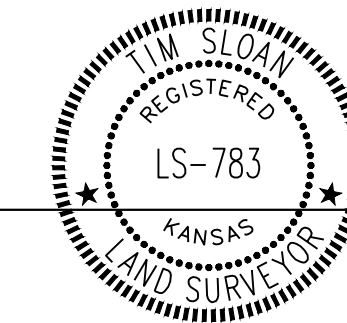
STATE OF KANSAS)
COUNTY OF POTTAWATOMIE) SS

I, the undersigned, do hereby certify that I am a Registered Land 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. 2019.

SMH Consultants By: Tim Sloan

Tim Sloan, P.S. President



Final Plat of ENCLAVE AT HERITAGE HILLS Pottawatomie County, Kansas



2017 Vanesta Place, Suite 110 • Manhattan, Kansas 66503 (785) 776-0541 • FAX 776-9760 • Email: tim@smhconsultants.com

Drown By: ASJ Project #1811MN4054 DD #TDS

MARCH 2019