



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: May 16, 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.*

None

4. Approval of April 18, 2019 Meeting Minutes
5. Adoption of the Regular Agenda
6. Regular Agenda
 - A. Rezoning Request
Applicants: Brian & Kathleen Lippert
Horticultural Services – Property Owner
Location: Tract in the Southeast Quarter of Northwest Quarter of
Section 32, Township 9, Range 9
Current Zoning: A1 – Agriculture
Requested Zoning: AR – Agriculture/Residential
 - B. County Comprehensive Plan – Discussion
7. Adjournment



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Meeting Minutes for April 18, 2019

In Attendance: Armon Bosse Jr. Location: Public Works Building
Marcie Wood Sunflower Room
Robert Boyd 612 E. Campbell St.
Tim Diederich Westmoreland, KS
Michael Heigert
Doug Kern
Andrew Klein
Jared Cox
Shellee Maginness

Absent: Norm Stutzman

Staff: John Keller - County Planner
Gregg Webster - Zoning Administrator
Peter Clark - Public Works Director
John Watt - County Counselor

Also In Attendance: Board of County Commissioners
Dee McKee
Pat Weixelman
Travis Altenhofen

Comprehensive Plan Steering Committee Members (Some)
Olin Hamilton
Jack Allston - Pottawatomie County Economic Development Corp.
Doug Dunafon
Sage Tebeest

Call to order

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.

Consent Agenda

There were no items on the consent agenda.

Approval of March 21, 2019 Meeting Minutes

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

Regular Agenda

Gregg Webster requested that the final plat of Wam-Teau Ranch Unit 2 be added to the regular agenda.

The Chair suggested the item be placed as the first item of business under the regular agenda.

Wood made a motion to approve the agenda with the added changed. Bosse seconded the motion and it was approved unanimously.

Final Plat Review – Wam-Teau Ranch Unit 2

Webster explained the purpose of the plat was to move the lot line between two lots. He stated the two property owners wanted to move the line to reflect what each had been maintaining.

He explained the plat does not create any more, or less lots than there currently area, just the move of the lot line.

Wood made a motion to approve the plat as presented.

Maginness seconded the motion and it was approved unanimously.

County Comprehensive Plan - Discussion

Stephan Metzger presented the topics for discussion and explained the approval process for the Plan.

"Quarter-Quarter Rule" – he explained the feedback from the public, and the Steering Committee, is to make no changes to it. He stated it should be reviewed regularly to assure it is still accomplishing what was intended. He explained it could be changed to fit the growing needs of the County.

Commissioner Weixelman explained a change was made just prior to him taking office and after the County Commission reviewed it, they approved the change back to where it was, what it currently is today. He felt it works fine and to leave it as it is, but to review it every 2 years or so.

Webster explained what the change was, and why the Planning Commission, after reviewing it further, changed it back.

Klein felt if there are suggestions on changing it, the Planning Commission would review them.

Doug Dunafon felt there should be a guarantee for a building permit for the first two splits in the quarter-quarter section.

There was discussion about granting a variance to the current regulations.

Commissioner Weixelman felt that if variances were an option, it would open the door for numerous reasons to consider. He was not in favor of a variance process.

Olin Hamilton suggested changing the regulations to allow more houses if they were located within ½ mile of a paved road.

Commissioner Weixelman felt that would create issues as well.

Doug Kern felt there was no reason to try and fix something that was not broken. He felt the current regulations are well understood with not many exceptions requested. He felt there may be unintended consequences if changes are made.

Metzger suggested that if changes are proposed they should be well thought out and discussed thoroughly.

Michael Heigert stated the current regulations seem to be working well and with whatever there is, there will always be suggested exceptions. He felt there was no need to make a change at this time.

Tim Diederich felt the current regulations are working well and saw no reason to change them.

Klein felt the regulations are working fine, but would be open to suggestions or changes. He suggested that they be reviewed if growth continues and there are more quarter-quarter sections with the permitted 2 dwellings in them. At that point, maybe the regulations should be changed to condense the growth to help preserve the agricultural land.

Maginness felt no change is currently needed but to re-evaluate on a regular basis, every year or two.

JR Bosse felt the current regulations are working fine. He stated there are currently options for adding an additional home on a property by way of the Accessory Dwelling Unit permit.

Hamilton stated the regulations should be re-evaluated on a regular basis, and should take neighborhoods into consideration.

Jared Cox had nothing additional to add to what has already been said.

Commissioner Weixelman stated the Accessory Dwelling Unit is an option to provide care for a family member.

Metzger explained the Accessory Dwelling Unit criteria and the history of the regulations leading up to it.

Robert Boyd felt the quarter-quarter rule should be further discussed during the Comprehensive Plan process, as there is a need to study it further now. He was not in favor of status quo for the regulations.

Metzger stated the consensus appeared to be, not to make any change currently, but to review them on a regular basis. He suggested, that at a minimum, a statement be added to the Plan saying the quarter-quarter regulations be reviewed on a regular basis.

Maginness asked what the consultant preparing the Plan had to say on the subject.

Metzger stated they have said, if the focus is on preserving agricultural land, the current regulations do not accomplish that.

He stated that approximately 75% of the sections in the County, currently have four houses or less.

Maginness said it appears that there are more homes being placed in the rural area, taking advantage of the 2 in the quarter-quarter section.

Metzger felt the goal is to have regulations that are easy to understand, help preserve agricultural land, and are flexible to the residents.

(County Commissioner McKee arrived - 7:40 P.M.)

Boyd stated that preserving agricultural land adds to the quality of life for the residents.

Metzger stated that when the County put the quarter-quarter regulations in place, that any more than 2 in the quarter-quarter section would over-burden the roads. He explained the density of 2 dwellings in the quarter-quarter section and what that means per each mile of road.

He also explained the process for a zoning change, discussing the application, required publication in the newspaper and required notification to the property owners within 1000' of the land requested to be rezoned. He explained the normal timeline for the public hearing and the requirements for publication and notification.

Biking / Hiking Trails & Green Space - Metzger stated the draft Plan suggests more areas for parks and open space.

He noted the County does not currently operate a parks and recreation department and there has not been support to do so by past Commissions.

Commissioner Weixelman stated it would be difficult to do a County-wide parks and recreation plan, with consideration of how to serve the rural areas.

Metzger stated the Green Valley Plan will have recommendation for that area only.

He suggested to change the recommendation in the County Plan to review the parks / open space requirements to assure it is accomplishing what was intended and that it is working.

Kern felt that hiking & biking trails are a function for higher density areas and there was no need to address it in the County-Wide Plan.

Sage Tebeest stated this is a 20 year plan and it is important to look ahead as there may be areas that should be preserved for future use. She felt the issue is how to pay for it.

Commissioner Weixelman mentioned the WAM-SAG-MAN multi-use trail concept and how difficult it is to obtain right of way or easement for it.

Jack Allston stated that his office helps promote business growth, that parks and recreation / bike trails are not a high priority for them.

Metzger stated it is a lower priority in the County Plan, but it should be addressed.

Commissioner McKee stated the County should encourage the cities and neighborhoods to strongly promote their activities and events.

Heigert asked if the proposed trails are for recreational or alternative transportation purposes.

Metzger felt they were for primarily recreational use. He asked if trails should be a priority in the County-wide Plan or just in the Green Valley Plan.

Peter Clark asked if trails are a low priority because of a lack of a funding source or the feeling that they are not needed.

Maginness stated it should be addressed in the County Comp Plan in some fashion, because it is a plan for the future.

Kern felt it is a neighborhood issue and should be addressed there.

Tebeest stated it is a planning issue and should be addressed in the County Comp Plan, but suggested that the communities be responsible for the cost.

Commissioner Weixelman stated there are recreational opportunities in the County now, and most people do not take advantage of them.

Metzger suggested that maybe the timing is not right to address the issue now, but since this is a 20 year plan, it should be reviewed on a regular basis and addressed more definitively in the future. The regulations can be re-evaluated to make sure they address what is needed.

Boyd felt the Plan needs to reflect the public sentiment, if they feel it is an important topic then it should be addressed in the Plan.

Hamilton stated if the residents in the Green Valley area desire those amenities, then they should become a city.

Wood asked the question – should parks and recreation be addressed in the County Comp Plan or only in the Green Valley Plan?

Metzger suggested it be addressed in the Green Valley Plan and in the other subdivisions using the current language in the subdivision regulations, but to review those regulations on a regular basis.

All agreed to that suggestion.

Manhattan Urban Area Planning Board – Metzger stated that within the Manhattan Urban Area Comprehensive Plan, a recommendation is that there be Pottawatomie County representation on that board.

He stated that in the past, the consensus by the Planning Commission and County Commission was to not join that board, and asked if that was still the thinking.

He suggested an alternative of having a non-voting member, which could be a citizen, Planning Commission member or staff person, sit on that board to update them on the activities in the Green Valley area.

Commissioner Weixelman stated he felt the (Pott. Co.) Planning Commission does a good job addressing the issues there currently and didn't see a need to have a different Planning board involved in that area.

He felt the suggestion to have a liaison from Pottawatomie County would be fine.

Kern felt there was value in having that person there to keep them up to date on Green Valley area activities.

Keeping Growth In the Hwy 24 Corridor and, in and around the existing cities - Commissioner Altenhofen stated the Plan needs to better define the allowed growth areas, or the County will face the same growing pains in other parts of the County, as they do in Blue Township.

Metzger noted language would be added to the Plan, stating the need to assess the level of service provided to new developments within the growth areas.

Preserving Prairie Land - Metzger went over the recommendations in the Plan.

There were no comments – everyone was fine with what was written.

Capital Improvement Program (CIP) - Metzger gave an overview of a CIP.

The consensus was that it needed to be addressed / included in the County Comp Plan.

There were no specific comments.

Metzger stated the Plan was still in draft form and if there were any changes or questions, to let him know.

Commissioner Weixelman expressed his appreciation to the members of the Planning Commission for their serving on that board.

As there was 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: 05/16/2019

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 and Vote
7. Commission members must state reasons for their vote.

Action: Rezoning request by Doug Meyer for Horticultural Services and Brian & Kathleen Lippert

Current zoning designation: A1 – Agriculture

4-11-19 Application Date

4-25-19 Newspaper Publication

4-22-19 Notice to Property Owners within 1,000 feet – 22 properties

CURRENT REQUEST

The request is to rezone 18.2 acres from A1 Agriculture to AR Agriculture Residential. The purpose of the AR zoning district is to permit residential uses in areas of marginal agricultural productivity. The AR zoning designation require a 3 acre minimum with rural water and 5 acres with individual wells

THE TRACT

- The 18.2 acre tract is vacant and located 1.75 miles north of U.S. Highway 24 on the east side of the Flush Road. The Flush Road is paved and thus meets the paved road requirement of the County Unified Development Resolutions for residential location
- The zoning request is for 2 dwelling units on the 18.2 acres on 2 lots. However, nothing would prevent the owners from further subdividing into more lots in the future after submitting a plat and the necessary studies.

HISTORY

The general area surrounding this tract has historically been used for large lot homes because of the convenient location from Highway 24. The tract is located south of the Ellison subdivision and is east of two additional subdivisions. The Highway 24 Corridor plan (land use portion) recommends residential use on the lower portion of the Flush Road

Staff Recommendation

The zoning request meets the Unified Development Resolution for a change in land use from Agriculture to Residential. It meets the paved road requirement and conforms to the surrounding use of the land.

SUGGESTED FINDING OF FACT

- The nearby environs consists of vacant land and residential units.
- Nearby properties are zoned AR Agriculture/Residential, AB Agri-Business and A1 Agriculture.
- The property is currently vacant.
- The staff suggests that the rezoning would not be detrimental to the immediate neighborhood nor would the use conflict with the general character of the area. The staff finding is that there would be no impact since the density would be for only two dwelling units. A finding of fact is required by the Planning Commission following the public comment period.
- There is no indication that the new use of the land for dwelling units would diminish the value to nearby property.
- The proposal meets the criteria for rezoning in that it should be used for its intended purpose. The staff supports the change to AR.
- In terms of conformance with the Corridor Plan, there is no conflict in this particular case since the land is intended to be used for residences.

ADDITIONAL CONDIITONS

We do not suggest any additional conditions be attached to the rezoning request

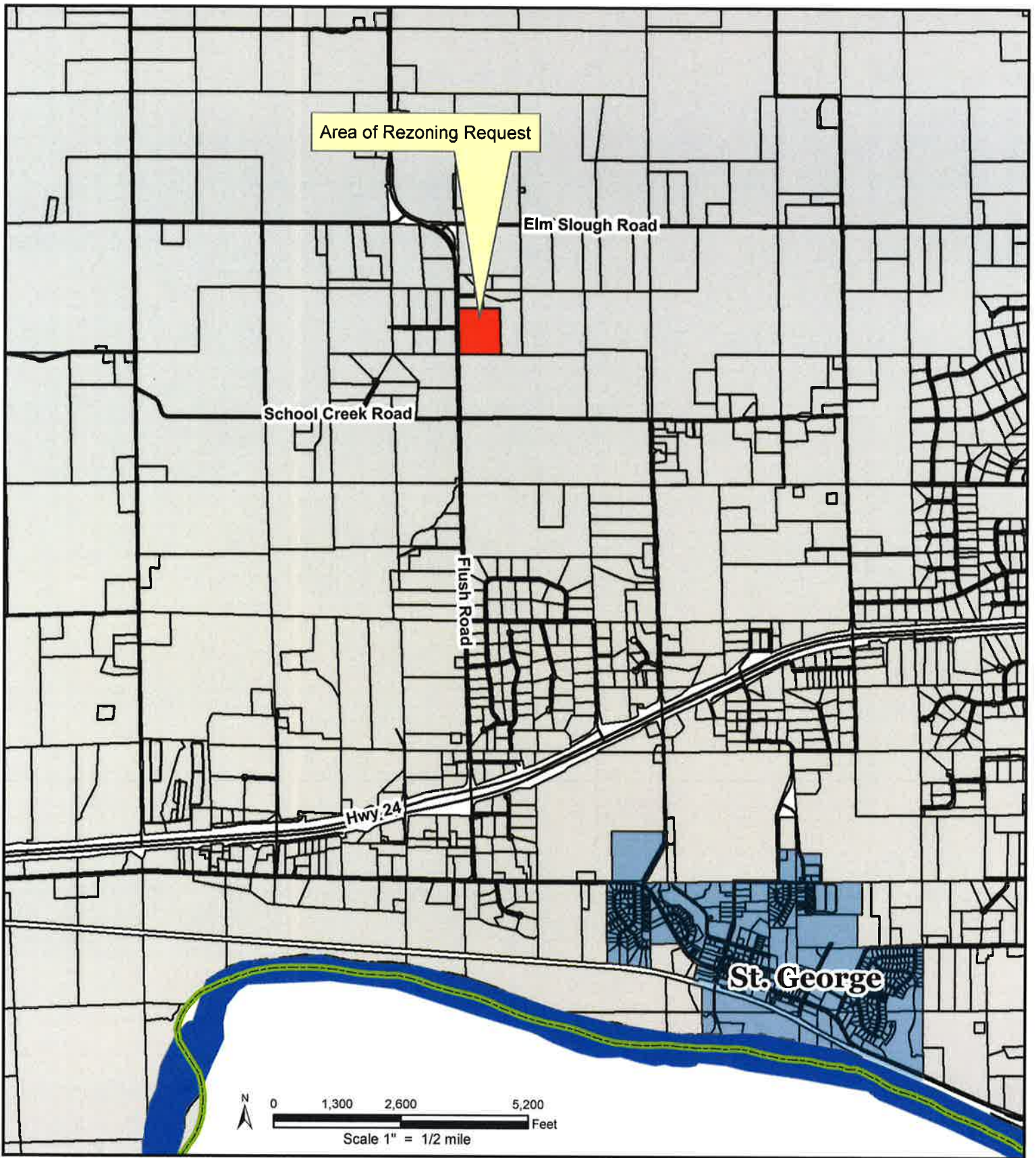
TECHINCAL REPORTS

The applicant was not required to submit a storm water management report or a traffic analysis

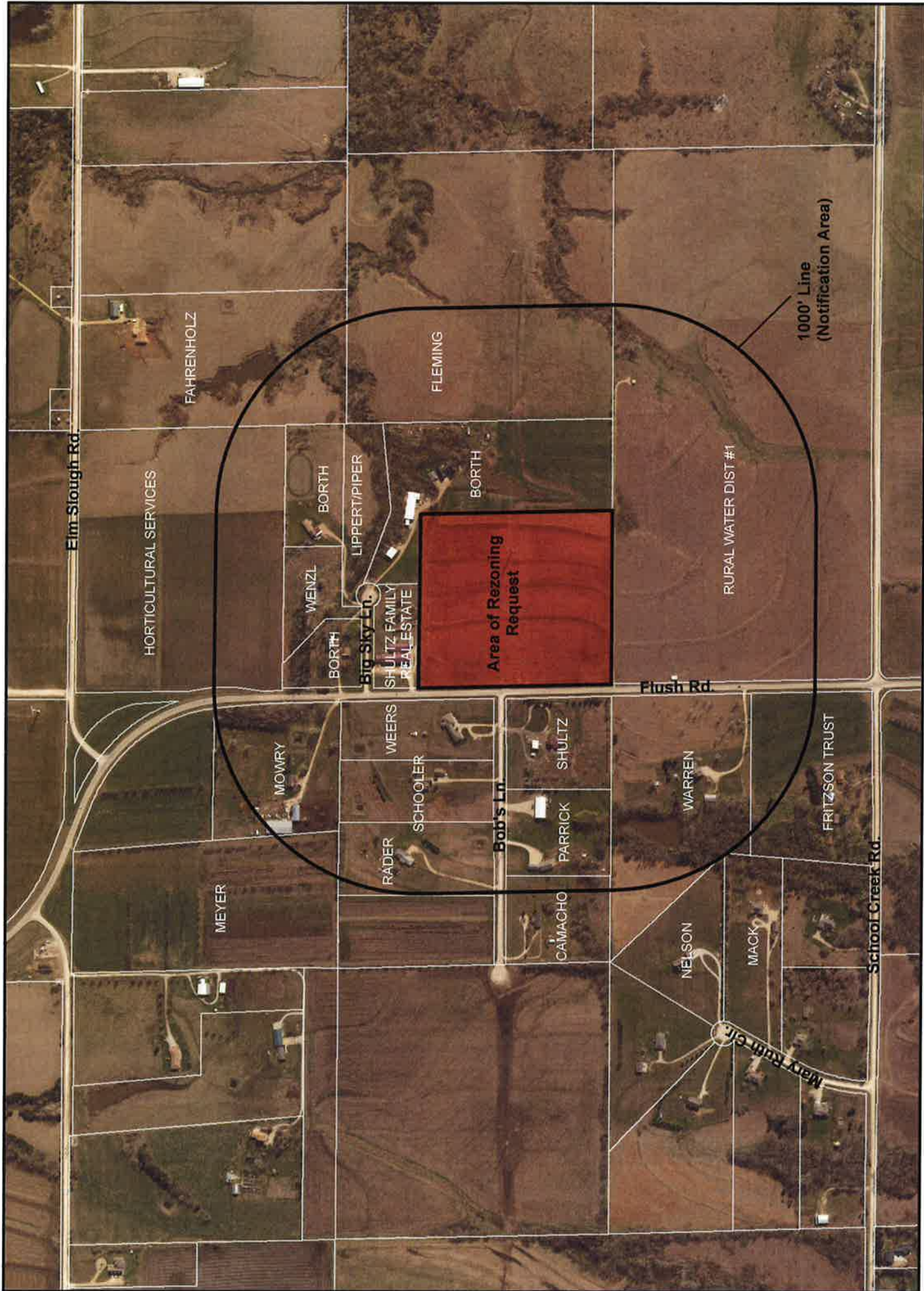
Possible Actions

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

Jwk/04/22/2019



Lippert Rezoning Request - May 16, 2019
Locator Map



Lippert Rezoning Request - May 16, 2019
 Properties Within The Notification Area

