



# Pottawatomie County Planning Commission

Andrew Klein – Chair  
Doug Kern – Member  
Lynn Schwandt – Member

Armon Bosse Jr. – Vice-Chair  
Norm Stutzman - Member  
Steve Minton – Member  
Travis Ross - Member

Marcie Wood - Secretary  
Robert Busby - Member  
Nathan Henry - Member

---

## Meeting Minutes for February 16, 2023

Participation in the meeting by Planning Commission members and the public, was available via Zoom meeting as well.

In Attendance:      Andrew Klein (In Person)                      Location: Sunflower Room  
                                 Doug Kern (In Person)    Public Works Bldg.  
                                 Robert Busby (In Person)    612 E. Campbell St.  
                                 Marcie Wood (In Person)    Westmoreland, KS  
                                 Lynn Schwandt (In Person)  
                                 Armon Bosse Jr. (In Person)  
                                 Norm Stutzman (In Person)  
                                 Steve Minton (In Person)  
                                 Nathan Henry (In Person)  
                                 Travis Ross (In Person)

Absent:                      None

County Staff:              Gregg Webster – Zoning Administrator  
                                 Stephan Metzger – County Planner  
                                 Nathan Bergman – County Engineer  
                                 Pat Weixelman - County Commissioner  
                                 John Watt – County Counselor

### Others In Attendance:

In person –      From Sign-In Sheet  
                                 Jimmy Pierson    Gene & Wendy Pierson  
                                 Lawrence Ubel    Kaylene Plummer  
                                 Dustin Krohn    Vickie Matzke  
                                 Donna Rorstrom    Caylee Rorstrom  
                                 Matt Ubel    Ginger Biesenthal  
                                 Doug Phelps    Rodney Biesenthal  
                                 Marlaina Wahl    Kevin Wahl  
                                 James Revell    Ian Reekie (Schwab-Eaton)  
                                 John Childs    Michelle Campbell  
                                 Heather Peterson    Casey Donnelly  
                                 Alvin Matzke    Bill Borth  
                                 ??? Name not legible

Zoom –                      Names as they appeared on the screen  
                                 Cole Anderson  
                                 Richard Seaton  
                                 Megan Rush  
                                 Mark Neff  
                                 Linda Polizzi  
                                 Sgmfa

### **Call to order**

Andrew Klein – Chair, called the meeting to order at 7:00.

Wood called the roll, with members present as shown.

Wood made a motion to adjourn the meeting no later than 9:30 PM

Bosse seconded the motion and it was approved unanimously.

### **Public Comment – Non-Agenda Items**

The Chair reviewed the items on the agenda.

There were no comments presented.

### **Approval of November 22, 2022 Meeting Minutes**

Wood made a motion to approve the minutes as written.

Busby seconded the motion and it was approved unanimously.

### **Consent Agenda**

Final Plat – Timber View Subdivision Unit Two

Metzger provided a brief report, explaining the location and purpose of the plat.

He explained the detention pond is proposed to be all on one lot now, and that it would be a “wet” pond.

He noted that the lot owner would be responsible for the maintenance of the pond.

Busby asked about the acreage change on Lot 21 (the pond lot)

Metzger explained it was a minor change and that the County Sanitarian had reviewed the plat and had approved the change.

Henry asked since it is a wet pond, does it still have the same capacity to accommodate run-off.

Metzger confirmed that it does and the drainage study was reviewed and amended.

John Watt explained there would be a new developer agreement regarding the maintenance of the detention pond.

Wood asked about common area / green space.

Metzger stated there is none in this plat, that it is not common to have it in a rural subdivision.

Stutzman asked if the pedestrian easement can be considered as common area.

Metzger stated it is not, it is an easement only.

Stutzman questioned if there was enough buildable area on Lot 21, as the lot is less than 3 acres and it has the detention pond on it.

Wood suggested that Lot 21 become a “Common Lot” or greenspace.

Metzger noted that it is an existing lot, which is being increased slightly, to accommodate the detention pond.

The Chair stated it is “buyer beware” and that attention should be given to the plat.

Nathan Bergman reiterated that a lot line is being moved to put the pond on one lot, with the buildable area basically being the same.

Stutzman wanted to make sure the “spring” does not get polluted and would like to have the County Sanitarian clarify the ability to build on the lot.

The Chair asked the developer what will be disclosed when the lot is sold.

Mark Neff (via Zoom) stated the pond and maintenance will be disclosed prior to the sale and that he had discussed it with the County Sanitarian numerous times.

The Chair asked if it would be disclosed that the lot may need an alternative wastewater treatment system and the presence of the pedestrian easement.

Mr. Neff confirmed that it would be fully disclosed.

He explained that the lots are being sold at auction.

Busby asked if the detention pond maintenance would be disclosed.

Mr. Neff stated that it would.

Minton made a motion to have the County Sanitarian review with the Planning Commission prior a decision being made.

Wood seconded the motion.

The Chair asked for discussion.

Busby didn't feel it would change anything.

Bosse stated the Sanitarian has already reviewed it, and that it is only a lot line change.

Kern stated it has already been reviewed by the Sanitarian.

The Chair called for the vote.

The motion failed by a 7 – 2 vote.

Busby made a motion to approve the Consent Agenda.

Kern seconded the motion and it was approved by an 8 – 1 vote.

### **Regular Agenda**

Metzger stated a representative from the CUP applicant would like to speak.

Cole Anderson – Mid-State Materials, stated they had an emergency with one of their staff and are requesting to postpone the item until the March meeting.

The Chair stated there is a correction to the agenda.

He noted that he would like to have Matt Ubel's presentation on quarry regulations to be the first item on the Regular Agenda.

Busby made a motion to amend the agenda, to put Matt Ubel first on the agenda, moving item 6C to 6A.

The Chair added to strike original item 6A as well.

Bosse seconded the Busby motion.

Stutzman made a motion to amend the motion, with his motion stating striking Item 6A and move item 6C to 6A, and to add the topic of "New Business" at the end of the meeting.

Stutzman's motion was seconded by Kern.

The Chair asked for discussion.

Minton asked what the new business was that Stutzman wanted to add.

Stutzman stated it was just an item that would permit new business to be brought up.

Minton asked if the property owners within the notification area of the quarry Conditional Use Permit (CUP) would be re-notified.

Metzger stated that they would not be.

Minton asked if public comments would still be accepted until the next meeting.

The Chair stated it can be discussed after there is action on the motion.

He called for the vote on the motion to amend the agenda. It was unanimously approved.

The Chair review the items on the amended agenda and called for a vote to approve the agenda.

Vote on approving the agenda was unanimous.

The Chair asked Matt Ubel to give his presentation.

Mr. Ubel gave his presentation and presented the Planning Commission with suggested changes and additions to the conditions for the Mid-State quarry CUP.

Kaylene Plummer- stated they have been working / researching quarry regulations.

She stated the conditions should be reviewed by a County Official.

She felt there should be a bigger setback.

She asked what the County gets out of a having a quarry. She suggested there should be rock given for use within the township.

## **Willow Glen Planned Unit Development (PUD) Amendment**

Metzger presented the staff's report on the request.

He noted the location of the subdivision, stated the purpose of the request and a history of the original PUD.

He discussed what is permitted in the existing PUD and the requested density change in the amendment and the area that it covers.

He explained the request does not change the commercial or multi-family lots, as was approved in the original PUD.

He also explained that the multi-family lot would still exist.

He explained the existing density in the original PUD and what is proposed in the amendment.

He noted 3 conditions for the amendment as:

1. A maximum dwelling units per acre of 3.40
2. Limiting the uses to single-family, duplexes, three-unit structures and four-unit structures
3. Limiting the height of new buildings to two stories

He described the characteristics of the tract.

He explained the notification process and the hearing procedure for a zoning change.

He explained Harvest Road will have to be paved to the next entrance to the Willow Glen Subdivision, and explained the requirements for paving within the subdivision regulations.

He explained the proposed connection to Wildcat Woods.

He provided an analysis of the request that included:

1. The character of the neighborhood
2. The zoning and uses of nearby properties.
3. The suitability of the properties to the land uses to which it is restricted.
4. The extent to which the decision would detrimentally affect nearby properties.
5. The length of time the property has remained vacant as zoned.
6. The relative gain to the public health, safety and welfare as a result of denying the request as compared to the hardship imposed upon the individual landowner.
7. Conformance to the Comprehensive Plan.

He discussed the future land use map and the goals from the Neighborhood Plan (Green Valley Area Plan)

He discussed the Preliminary Plat and the requirements noted in the subdivision regulations.

He provided the staff's recommendation.

He explained what approving the PUD amendment would mean.

He presented possible action options on the request.

Doug Phelps, applicant – stated he would like the option to do higher density that what is currently permitted, if the market will accommodate it.

John Childs, applicant – stated having a higher density development helps keep costs down.

He stated he is trying to find ways to provide affordable housing.

Stutzman asked about rural housing tax credits.

Mr. Childs stated not likely in this development.

Minton asked if this was the same program as was discussed at recent County Commission meeting.

Mr. Childs stated it was, and he would utilize it in the Whispering Meadows subdivision.

Mr. Phelps said he would like the ability to increase the overall density, so he had the option of doing duplexes, triplexes and four-plexes if the market will support it.

Busby asked if the traffic study had been amended.

Bergman stated he had reviewed it for triggers to improving Lake Elbo Road.

Ian Reekie, from Schwab-Eaton – explained the traffic study.

Mr. Phelps explained his reason for the change is to provide flexibility in housing types to accommodate the market.

He stated their overall plan is to do single-family structures, and felt the density is similar to other development in the Blue Township area.

Metzger explained the original PUD and Preliminary Plat and explained how approval of the amendment would change it.

He noted that the street layout is the same, only the lot layout would change, and that there could be no more than four dwelling units per structure and no more than 2 stories high.

Busby suggested they should continue with the hearing because of time constraints.

The Chair explained the public comment portion of the hearing.

The Chair asked for comments from those in attendance.

Heather Peterson – stated she lives in Whispering Meadows and asked for clarification of the proposed density.

She asked if the remainder of the Willow Glen development were to be completed with all tri-plexes, would it comply with the proposed density allowance.

She stated she agreed with Mr. Phelps comments having higher density and is logical to propose in the area.

She noted it would be adding a lot of people to the area.

She asked if there is long range planning for the perceived growth.

Donna Rorstrom – noted she lives in Whispering Meadows.

She stated she is opposed to the commercial lot in the existing PUD, and she understands the commercial lot is not part of this PUD hearing.

However, she suggested moving the commercial to the center of the Willow Glen development would better serve that neighborhood.

She felt it would create a more walkable community.

The Chair asked those attending by Zoom to provide comments.

Linda Polizzi, noted she lives in Willow Glen.

She asked if the green space along the gas line, shown in the current PUD, would remain.

She asked if the pool would be bigger and still be in the same location.

She asked if there would be a buffer between single-family structures and any fourplexes.

She asked if the fourplexes would be rentals or owner occupied.

The Chair asked if any of the Planning Commission members had received any phone calls regarding this request.

No members stated that they had.

The Chair closed the public comment portion of the hearing.

Metzger addressed the questions asked.

He stated that staff had compared the existing Preliminary Plat to the proposed plat for common area / green space and found minor changes.

Reekie stated that any changes were unintentional, and that the amount of green space is not planned to be different from the original PUD.

The Chair asked if the streets stayed the same and only the lot layout changes.

Mr. Phelps stated that was correct.

The Chair asked if the existing single-family lots could be buffered from any proposed fourplex lots.

Metzger stated they could be screened by fencing or other screening, and could be addressed in the covenants as well.

Metzger asked Mr. Phelps about the pool.

Mr. Phelps responded that no pool is currently being proposed, that's its' possible there may be two pools, but no definite plans or location.

Metzger stated there are no zoning regulations regarding rentals.

Busby asked if the idea is to sell each unit of the duplex, tri-plex or fourplex.

Metzger stated that this would be up to the developer.

Metzger explained that the notified property owners within 1000' of the boundary of the PUD amendment area have the ability to submit a protest petition.

He explained the process and what constitutes a valid petition.

Metzger noted that private covenants are not enforceable by the County.

Mr. Phelps confirmed that the same covenants would apply to all the lots.

Metzger further explained the proposed density.

He stated that sewer is provided by the Blue Township Sewer District and that it is sent to the Manhattan treatment facility for processing.

He explained that water service is provide by Pottawatomie County Rural Water District Number 1, who buys water from the City of Manhattan for most of the sewer district area.

Minton asked who confirms that water service meets code requirements.

Metzger stated that if fire suppression is required, the Risk Reduction Department at Manhattan would do the review.

Minton asked if a higher density than proposed is requested, would the traffic and drainage studies be reviewed again.

Metzger stated that they would be subject to review.

Minton stated he was OK with that, as long as there is written documentation stating it.

Metzger stated the school district does their own planning for schools to accommodate residential growth.

Minton had concerns that if fourplexes were to be placed on a cul-de-sac, there might be issues with parking in the street.

Bergman explained the current road width standards.

He noted if there was parking on both sides of the street, there would still be adequate access.

Minton asked if the plat is review by the Fire Supervisor.

Metzger stated that it is, and that he signs the final plats.

Busby felt the proposed density would be a huge increase in population and create more traffic.

He noted the area would be bigger in population than some cities, with more calls for fire service and law enforcement.

Mr. Phelps asked how his proposal is different than what is existing.

He noted that it would be built in phases and not all at once to allow for infrastructure improvements, if needed.

He felt that fire and law enforcement services increase anytime you have growth.



Busby felt there was a need for higher density housing, and the request is in conformance to the Green Valley Land Use Plan.

He felt there are infrastructure challenges, most notably road improvements.

Stutzman stated the County needs to be more proactive instead of reactive to growth challenges.

He noted the request could potentially be a 30% increase in density.

Kern stated the request complies with the Land Use Plan.

The Chair felt that was a flawed theory, because there could be rezoning requests all across the County.

He noted the time limit for the meeting was approaching and suggested a motion be made.

Busby made a motion to approve the Willow Glen PUD amendment as presented.

Kern seconded the motion.

Busby made a motion to table the motion until the March meeting.

Wood seconded the motion.

Motion was approved by an 8 – 1 vote.

### **New Business**

The Chair appeared upset by remarks made by County Commissioner McKee about the Planning Commission not recommending solar farm regulations to the Board of County Commissioners.

He asked if any member of the Planning Commission was contacted by Commissioner McKee about requesting solar farm regulations from them.

Busby and Kern stated that had an informal conversation with her about that topic.

No other members confirmed communication with Commissioner McKee.

Stutzman would like to have representatives from the rural water districts present what their plans are for providing water service in the future.

He felt there needs to be more planning for infrastructure improvements

Planning Commission would like a copy of the current detention pond maintenance policy for the March meeting.

There was discussion on the biggest taxpayers in the County and where revenues from a solar farm would be on the list, and whether that should even be discussed since they don't exist yet.

The Chair asked for an updated Planning Commission member list and their terms.

Matt Ubel asked since the Mid-State quarry CUP request is being postponed until the March meeting, will public comment still be submitted.

Busby stated that online public comment has been closed.

Stutzman made a motion to allow online public comment until the Monday before the March meeting.

Busby seconded the motion and it was approved unanimously.

Metzger confirmed that the quarry CUP and the Willow Glen PUD amendment would both be on the March 16 agenda.

He reminded the Board that there is a work session with the County Commissioners on March 6, with the main topic being the development process.

He also stated there will be a discussion about solar farm regulations on February 27 at the County Commission meeting.

He explained the County Commission requested that staff make contact with other counties that have solar farm projects.

Schwandt had concerns that only counties that have adopted solar regulations would be contacted by Staff, and asked whether or not Staff contacted counties that had banned solar farms.

Metzger noted that he was asked to invite counties who have gone through the solar development process.

The Chair briefly reviewed the discussion by the Planning Commission at the January meeting.

Meeting was adjourned at 9:30.