

Jefferson County Planning & Zoning Oskaloosa, Kansas

UNOFFICIAL

UNOFFICIAL MINUTES OF THE JEFFERSON COUNTY PLANNING COMMISSION

Minutes of Planning Commission Meeting of February 24th, 2020

Item 1. Call to Order.

Item 2. Roll Call

Matt Scherer <i>Secretary</i>	Paul Johnson <i>Chairman</i>	Stephen Phillips	Gale Rudolph	Tim Benyshek	Kim Koehn	Megan Steele
Present	Present	Absent	Present	Present	Present	Present

Item 3. Approval of the Agenda

Secretary Scherer moved to approve the Agenda as presented, Commissioner Rudolph Seconded –

Votes were taken by Ayes and Nays as follows:

Matt Scherer <i>Secretary</i>	Paul Johnson <i>Chairman</i>	Stephen Phillips	Gale Rudolph	Tim Benyshek	Kim Koehn	Megan Steele
Aye	DNV	Absent	Aye	Aye	Aye	Aye

Introduction of new members – Kim Koehn and Megan Steele and current members.

Item 4. Approval of the November 25th, 2019 Minutes -

Chairman Johnson asked if there were any corrections for the minutes. Secretary Scherer offered some corrections. Chairman Johnson asked for a motion to approve the minutes. Commissioner Benyshek moved to approve the minutes as corrected and Secretary Scherer seconded.

Votes were taken by Ayes and Nays as follows:

Matt Scherer <i>Secretary</i>	Paul Johnson <i>Chairman</i>	Stephen Phillips	Gale Rudolph	Tim Benyshek	Kim Koehn	Megan Steele
Aye	DNV	Absent	Aye	Aye	Aye	Aye

Item 5. Public Hearing

Chairman Johnson explained the commission meetings procedures to the public. Chairman Johnson asked if any of the members had any “ex parte” communications with the applicant or the owner or if they have a conflict of interest.

CU2020-01: A request to consider a Conditional Use Permit application for an outdoor RV and Boat Storage facility located at 12569 17th Street, Perry, KS 66073. This request is being made by Shawn and Tiffany Ball of Perry, KS.

Chairman Johnson asked staff to give their report on CU2020-01 - A request to consider a Conditional Use Permit application for an outdoor RV and Boat Storage facility located at 12569 17th Street, Perry, KS 66073. This request is being made by Shawn and Tiffany Ball of Perry, KS- Staff gave their report and recommended the following conditions:

1. Property will be fenced for security purposes.
2. Lighting placed on the property will be directed as to point inward toward the property.

Chairman Johnson: Any questions for staff by Commissioners?

Chairman Steele: Did you say that the, to the left of it, was something about, zoned residential and in a floodplain?

Zoning Administrator, Dustin Parks: This here?

Chairman Steele: Those three

Zoning Administrator, Dustin Parks: Those were an approved subdivision that we did last year but they are in the non-regulatory floodplain meaning that its floodplain that FEMA doesn't regulate to, so they don't have to raise anything. It's high enough but if it was something like a public service like a fire station or something like that then they would have to worry about raising it but because it is not a public service then for residential it is fine. Then the only floodplain really of concern was here but there was already a house here and they avoided that floodplain, this is more of a waterway so it's more of a running water issue then it is an outward flood issue.

Chairman Johnson: Other questions by Commissioners? Mine might be in terms of the fencing here. So, the existing fencing for the property now is adequate in your estimation?

Zoning Administrator, Dustin Parks: Yes.

Chairman Johnson: If they move to phase two, do they have to, besides the graveling, do they have to add fencing for that?

Zoning Administrator, Dustin Parks: If I am not mistaken, the whole property is already fenced in.

Applicant, Shawn Ball: The whole property is fenced the same.

Zoning Administrator, Dustin Parks: So, they wouldn't have to add fencing its already fenced.

Chairman Johnson: So, the fact that you say property will be fenced for security purposes that's already done?

Zoning Administrator, Dustin Parks: Yes. That's more maintaining making sure that fence stays there.

Chairman Johnson: Ok.

Commissioner Benyshek: My only question is, is on the floodplain maps there, how often do those update?

Zoning Administrator, Dustin Parks: Oh, every 30 years or so.

Commissioner Benyshek: Is that all? I didn't know.

Zoning Administrator, Dustin Parks: No, seriously, the last time that we had maps before 2009 was 88.

Commissioner Benyshek: The only reason why I am asking this is more of a concern for the applicant than it is for zoning, but we will get properties that are close to a floodplain that we mortgage and the banking industry and then the next year we will get a letter from FEMA that says that this property has been rezoned into a floodplain and now all of a sudden property owners have to have flood insurance on the whole property.

Zoning Administrator, Dustin Parks: Yea, no, it doesn't change that frequently. No, what it is usually is at that point FEMA has suddenly realized that maybe they really should have been asking for it.

Commissioner Benyshek: Yea that's all I was asking just because I know the back of the property there is in the orange zone there which it doesn't look like they are planning on putting boats and storage in the floodplain.

Applicant, Shawn Ball: Maybe sweet corn?

Commissioner Benyshek: That will do as long as it's not sitting under water too long.

Chairman Johnson: So, no other questions by Commissioners for the staff at this point? I'll open the discussion for the applicant at this point if you have any revisions, anything to say about this case or any specifics that we didn't cover or any comments for the record? And I should say that just for the record you should state your name for minutes purposes.

Applicant, Shawn Ball: My name is Shawn Ball and we live at 1704 US 59 Hwy, Perry but this pertains to 12569 17th St and basically and I can promise you guys I've got my roll off business down there and I've got 3 trucks. And we downsized, we had all the towns in Jefferson County, and we picked up all these little towns and we downsized a couple years ago. So, we're basically just really are just a ma and pa type deal now we literally are and were just and I've got 60 of these roll off boxes and these storage containers and I'm just trying to put something down there that can supplement our income and I'm there, I'm there every day three four times a day and I want to keep it neat because, if anybody drives down there they know I keep it neat. I mean I've cleaned it up and want it to look nice so it will not look like a junkyard I can promise you that.

Zoning Administrator, Dustin Parks: This is a bad representation because it was taken like either right after that snow, we had there in mid-January where it was a sopping mess.

Applicant, Shawn Ball: But a, we live just north of Billtown but then I got the carwash and the storage units down there at the corner so I've kind of got just a big circle there that we are doing business with. This just kind of fits in to the scheme of what we are doing so, so you guys understand. My shop I use it to work on my trucks and of course I've got a couple old cars and I've got my boat in there and you know so...it's...I'm just looking for something that'll look neat and see where it goes. I have no idea really how many or where it will go but we'll give it a try.

Chairman Johnson: Any other comments?

Applicant, Tiffany Ball: I'm Tiffany, his wife. I live at the same address.

Chairman Johnson: Any questions by Commissioners for the applicant at this point? So, you haven't done a market survey of how many boats are out there that need storage, or you are responding to the assumption that that market exists?

Applicant, Shawn Ball: The only market survey I can give you is all of our storages are full so that's a good sign on the inside but you know I feel like I can kind of use that a little bit as offering different types of storage, cause some people don't want to pay you know the more money to put stuff inside.

Commissioner Steele: And you said that, I'm just asking out of curiosity, so if I were to store my boat there and there's a flood we don't have to, I guess I'm confused on how, beings that it's in a floodplain, whose responsible if something happens.

Applicant, Shawn Ball: Well that would go under, if they stored something there, we are not liable for their boat, that's covered under their homeowners, the contract would be written, kind of like my mini storages I am not liable for fire, theft, mother nature.

Commissioner Steele: So that's all written into what you have.

Applicant, Shawn Ball: Yes, that's written in. I can tell you this, course I grew up here, and I was hauling trash on every county road in the county back in 93 and I saw the water going across from Lecompton to Perry, I remember all the low points back there behind Billtown but it didn't even come close to that. It didn't even come close to that. Now down over by the Rural Water District it gets hammered down there, but we don't get that right there. We haven't, this year we didn't and 93 we didn't and there was a lot of things under water in 93 that railroad was the only thing that kept it from coming into Perry back then.

Zoning Administrator, Dustin Parks: Well, and when they do their maps, so this is just a little oddball side note, when FEMA does their maps, they can't take the railroad into account, so they have to pretend like it's not there. And so, when they do their floodplain maps, they have to map like that railroads not there even though the railroad does actually hold back water because it's not a certified levee they have to pretend like it's not there. And so that's why the floodplain maps a lot of the times will look like they do because if that railroad wasn't there that's where the water would probably go. But because the railroads there, it's not.

Applicant, Shawn Ball: Now on the banking issue when I did get a loan on that property, when I did, they didn't require me to have flood insurance.

Commissioner Benyshek: Oh yea, nah, I didn't mean that, just like floodplains change I guess is what I'm getting at. This map that Dustin has up here is a little bit different than you know the FEMA residential maps and stuff but that's all.

Applicant, Shawn Ball: But it would get tricky like if I wanted to build buildings back behind for boat storage than it would get, then that's the part that would get tricky.

Zoning Administrator, Dustin Parks: Oh yea.

Applicant, Shawn Ball: But that big open spot there I planted sweet corn all in there one year, I mean that was the best sweet corn crop I ever had. It was crazy, cause that's down there in the river bottom ground.

Chairman Johnson: Other questions from Commissioners? When do you see making a decision about moving on to phase two here? Just market demand?

Applicant, Shawn Ball: It will be purely market demand, yes sir.

Applicant, Tiffany Ball: We have quite a bit to fill before we would even get there so, it was just in case we just thought we would do it all and not have to come back. It could be a long time.

Applicant, Shawn Ball: That was really the reason I did that, because on that east side I want to keep that open for my roll off boxes and my trucks and I want to keep it nice and open and you know and not jam it all up.

Chairman Johnson: So, you are going to continue on with your waste.... roll off primarily. You are not doing the residential?

Applicant, Shawn Ball: We haven't done the residential for two and a half years now. But we did it for 27.

Chairman Johnson: Any other questions by Commissioners? Obviously we have an exclusive audience here, and normally I would ask if there was anybody in the audience that would support the plan and I think I know the answer to that and then I would ask if there was anyone whose here that’s opposed to this plan and obviously we don’t have that and I would ask if anybody is here that would like to speak on it in a neutral fashion and we have solved that, so at this point I will close the hearing and see if commissioners have other questions or comments on this particular application.

Secretary Scherer: Mr. Chairman I move approval of CU2020-01 based upon staff’s findings.

Commissioner Benyshek: I’ll second that.

Chairman Johnson: Any further discussion on that at this point? If not, all those in favor say Aye, all those opposed.

Votes were taken by Ayes and Nays as follows:

Matt Scherer Secretary	Paul Johnson Chairman	Stephen Phillips	Gale Rudolph	Tim Benyshek	Kim Koehn	Megan Steele
Aye	DNV	Absent	Aye	Aye	Aye	Aye

CU2020-01 approved with the following conditions:

1. Property will be fenced for security purposes.
2. Lighting placed on the property will be directed as to point inward toward the property.

Chairman Johnson: Just to be clear we’re a recommending body we don’t make final decisions. That’s left to our elected County Commissioners. So, they will read the minutes and the documents created around this case and Dustin will help with the timing of when this will go before the County Commission.

Zoning Administrator, Dustin Parks: Looks like March 16th. You guys will get a letter with the date and time letting you know. It will be in the same room at 1:30 in the afternoon usually, on the 16th and then if the County Commission doesn’t change any of the conditions then by that Thursday, when it runs in the paper, that’s when it’s final. Like I said, you will get a letter.

Item 6. Public Comment – Chairman Johnson had some comments concerning the industrial and commercial overlays and wanting to view those corridors on the map during the next meeting or the meeting after.

Item 7. Old business – Staff discussed the changes to the structure of the office with absorbing Economic Development and with the hiring of the new staff member, Donna Jones. Chairman Johnson discussed the Comprehensive Plan and asked staff more questions concerning updating the new Comprehensive Plan.

Item 8. New Business - Staff discussed the next month’s hearings

Item 9. Adjournment – 8:14 PM

Minutes taken by:

Dustin Parks

Approved:

Date

Chairman:

Paul Johnson

Secretary:

Matt Scherer III