

Jefferson County Planning & Zoning Oskaloosa, Kansas

OFFICIAL

OFFICIAL MINUTES OF THE JEFFERSON COUNTY PLANNING COMMISSION

Minutes of Planning Commission Meeting of December 22, 2014

Item 1. Call to Order.

Item 2. Approval of the Agenda

VICE CHAIR JOHNSON MAKES A MOTION TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER BAILEY SECONDED THE MOTION. Votes were taken by Ayes and Nays and recorded as follows:

| Matt Scherer | Paul Johnson | Tim Bailey | Alex Noll | Bret Frakes | Kelli Curry | Jerry White |
|---------------------|---------------------|-------------------|------------------|--------------------|--------------------|--------------------|
| DNV | Aye | Aye | --- | Aye | --- | Aye |

The motion carried unanimously, 4-0.

Item 3. Roll Call and Swearing In

| Matt Scherer | Paul Johnson | Tim Bailey | Alex Noll | Bret Frakes | Kelli Curry | Jerry White |
|---------------------|---------------------|-------------------|------------------|--------------------|--------------------|--------------------|
| Present | Present | Present | Present | Present | Absent | Present |

Staff Members Sam Henderson, Zoning Administrator; Erin George, Planner I, were also present. Secretary Noll arrived to the meeting after the approval of the agenda.

Item 4. Approval of the November 24, 2014 minutes.

Chair Scherer asked if there were any corrections or additions to the minutes. Chairman Scherer discussed a number of minor errors in the transcription. No other corrections were discussed.

Action: *VICE CHAIR JOHNSON MAKES A MOTION TO APPROVE THE NOVEMBER 24, 2014 MINUTES WITH CHAIRMAN SCHERER'S CORRECTIONS, SECRETARY NOLL SECONDED THE MOTION.* Votes were taken by Ayes and Nays as follows:

| Matt Scherer | Paul Johnson | Tim Bailey | Alex Noll | Bret Frakes | Kelli Curry | Jerry White |
|---------------------|---------------------|-------------------|------------------|--------------------|--------------------|--------------------|
| DNV | Aye | Aye | Aye | Aye | --- | Aye |

The motion carried unanimously, 5-0.

Item 5. CHAIRMAN SCHERER OPENED THE PUBLIC HEARING

PR2014-18: A request to approve the Bright Acres Subdivision, a three (3) lot subdivision, at 54th Street and Butler Rd, Meriden, KS, at the request of Sheila Isern and Beverly Golder.

Z2014-18: A request to rezone Lots 1 and 2 of the Bright Acres Subdivision from "RR" Rural Residential District to "SR" Suburban Residential District, at the request of Sheila Isern and Beverly Golder.

Mr. Henderson presented the staff report for PR2014-18 and Z2014-18.

Chairman Scherer: Are there any questions for Staff? Hearing none, would the applicant like to speak to the application?

APPLICANT PRESENTATION

Applicant: We were just wanting to sell. We have some interest from some neighbors in the area that wanted to purchase some additional acreage. Other than that we have no plans.

Chairman Scherer: Thank you. Are there any immediate questions for the applicant?

END OF APPLICANT PRESENTATION

OPEN OF PUBIC COMMENT

Chairman Scherer asked if there was anyone who would like to speak in favor of the application.

Chairman Scherer asked if there was anyone who would like to speak in opposition of the application.

Thomas Willmon: Is it possible under parliamentary procedure to ask her a question?

Chairman Scherer: Direct questions to us and we'll deal with them.

Thomas Willmon: Okay, she says it's to sell. I don't know exactly what the intentions are as far as locating houses or residences, more residences, on that particular street. I'm not really in favor of. I would prefer to maintain the character of the rural landscape. Maybe that's strictly a preference if there's nothing behind it say that any one of your departments would think that's legitimate, but I think it's very important to consider. My name is Thomas I'm right here (points to property on map). My family has a long history in this particular area. My grandfather owned another piece of property before he died so it's been in our family for 3 generations.

Chairman Scherer: Thank you. Is there anyone else that wishes to speak in opposition to this application?

Bryce Peckham: My name is Bryce Peckham and I also own property that abuts the property in question. I just have queries and I don't know that have been answered. Only lots 1 and 2 are being discussed tonight and not lot 3?

Chairman Scherer: Well lot 3 is being discussed in that we are platting the whole property but the zoning designation does not change.

Bryce Peckham: Because it's over 10 acres it does not change.

Chairman Scherer: That is correct.

Bryce Peckham: Okay, and the 1 and 2 the outcome is to rezone those so they can go to the Suburban which would allow 2 properties with 2 separate houses, if you will, to go on them.

Chairman Scherer: Yes, and the rezoning is as much because the properties are less than 10 acres.

Bryce Peckham: I read the Jefferson County Zoning 20 pages and I actually read the whole thing.

Chairman Scherer: As we've heard from everybody in the audience I'll ask if there's anyone who wishes to speak to this application again before I close the public comment portion of the hearing. Seeing none I'll close the public comment portion of the hearing so that we may consider our options.

Mr. Henderson: Did you want to give the applicant a chance to answer the question?

Chairman Scherer: That is correct I should have given you the opportunity to respond if you wish to do so.

Applicant: Sure, I think we're looking at the possibility of selling it maybe to someone who is around in the neighborhood not necessarily for new construction, though I'm yet to have a contract in hand and we have no agreement from anyone I have talked to a couple of landowners in the area and obviously being from near the area and growing up there I have due respect for your wishes not to overly develop the area. I've been there, I've seen what's happened to some of the areas that have been developed. I respect that very much. Our intent is not to make it less of a piece of property it is actually to enhance it because it does have an unusual shape. That is an odd piece of property to go with.

Chairman Scherer: Nonetheless it would still be an opportunity for someone to build new homes.

Applicant: That is a possibility, yes.

Eugene Heinen: You look at all the properties the properties that's been developed out there since I went out there in '68. So, we've invited city people out to the country to be in the country and that's all she's allowing. She's allowing somebody else to have an opportunity to be in the country. I did not sell of any of my 80 but I bought, see that piece that goes way back in to there, that 5506, I bought that. Then I bought another 10 acres east, so as I say, I've been out there since '68 and we've welcomed people from the city to come out. Mr. Flanders subdivided his off 1, 2, 3 and I think he sold an 80 that he had way earlier that he had off his 160 so he was a city guy we welcomed to the country.

Chairman Scherer asked once more if there was anyone who would like to speak either for or against the application and seeing none closed the public comment portion of the hearing.

END OF PUBLIC COMMENT

Vice Chair Johnson: This might be for Staff to start with. Is it possible on Lot 3 to do further subdivision of that?

Mr. Henderson: Due to the depth of the lot, RR above 10 acres are allowed to go to a maximum of 4:1, smaller lots are limited to 3:1 and so to get the proper frontages and the depth it would be difficult to do any further splitting without having to get an exception or putting in a road back to that back part.

Eugene Heinen: Can I show you something?

Chairman Scherer: Does anyone have an objection? Please go ahead.

Eugene Heinen: If possible, in the future, you see I own that, Mr. Peckham owns here. If we can get this somehow, that's what we'd like to do in the future.

Mr. Henderson: And that is something that would be possible in the future by either re-platting all those lots or doing something like a boundary line adjustment survey, but to actually split that lot up into individual lots going all the way back to the north would be extremely difficult without going in developing and putting in an actual road back to the back to create more frontage.

Eugene Heinen: And we don't want that.

Mr. Henderson: That is just hypothetical.

Eugene Heinen: Okay, and we haven't talked to her so we don't know what. We're just saying for future use if we can block that he can take that as his property.

Mr. Henderson: That's an option that's available as well.

Bryce Peckham: I would just want that box looking thing and Gene just wants the other box.

Vice Chair Johnson: I have 2 or 3 more questions. Is it possible in lot 1 or 2, since they're now SR to cut them in half?

Mr. Henderson: If they met the frontage requirement of 165 feet and the depth requirement of 3:1 they could do a lot split or a re-plat of those lots. There's nothing that restricts them to being 4 acres in the future in perpetuity.

Chairman Scherer: I don't think you could make either one of those.

Commissioner Frakes: Nope, you can't make it. There's not enough road frontage.

Vice Chair Johnson: That's why I asked. I'd rather ask now.

Mr. Henderson: If someone wanted to put a road in there and do a cul-de-sac and do 10 small R-1 lots or something like that they could do that. They'd have to go through the platting process. Any request to split the property would have to meet all the subdivision regulation requirements.

Vice Chair Johnson: So another couple of questions have to do with the letters we get in the packet from the Health Department and the Road Department. This is kind of for my information. These lots can be sold without the certainty of where or if a wastewater system can be put on them?

Commissioner Frakes: That's going to depend on where they want to put their house, Paul. You can't do that until house location.

Commissioner Bailey: We discuss this every time.

Commissioner Frakes: You can't make a determination on septic until we get an idea where the house is going to be.

Mr. Henderson: It's not just the location, it's also the size of the house. For private sewer systems they base it mostly on the number of rooms in the house and so for example if it's a 2 room house it's going to be different than if they put a 4 or 6 room house in there.

Commissioner Frakes: It goes off restrooms and bedrooms is what they determine the size of the lateral.

Mr. Henderson: Mostly off the number of bedrooms. Ideally you'd like to have it go off the number of people that are living in the house but you never can tell how many that is going to be the use of the septic is going to increase greatly with the number of people.

Vice Chair Johnson: So the sales can be done and then it's whoever buys it deals with what they have to deal with for the size of the dwelling and what might fit on that lot. And that goes for driveways for it.

Mr. Henderson: The location of the driveways are determined when the people get their permit and they know where they want to put their house and the Roads Department reviews it and says okay your driveway can go in this location. The Roads Department won't tell us exactly where they'll just say yes it's possible to have a driveway on it.

Commissioner Frakes: You may build your house on the west side and they may say clear over on the east side is where you're going to have your access and that is just where your access is going to be and you have to make your driveway adjust to it.

Vice Chair Johnson: I'm curious about the buyer beware.

Mr. Henderson: That's how real estate goes.

Chairman Scherer: Other questions for the Applicant or witnesses? Is anyone prepared to make a motion?

Commissioner Frakes: Do you want to handle them as 2 separate motions or can we do them as 1? We've discussed this in the past.

Mr. Henderson: They've been done as 1 motion. I prefer 2 but the tradition here is 1.

ACTION: COMMISSIONER FRAKES MAKES A MOTION TO APPROVE Z2014-18 AS RECOMMENDED BY STAFF AND BASED ON LIKE ZONING IN THE NEAR PROXIMITY. SECRETARY NOLL SECONDS THE MOTION.

Votes were taken by Ayes and Nays and recorded as follows:

| Matt Scherer | Paul Johnson | Tim Bailey | Alex Noll | Bret Frakes | Kelli Curry | Jerry White |
|--------------|--------------|------------|-----------|-------------|-------------|-------------|
| DNV | Aye | Aye | Aye | Aye | --- | Aye |

The motion carried unanimously, 5-0.

COMMISSIONER FRAKES MAKES A MOTION TO APPROVE PR2014-18 AS RECOMMENDED BY STAFF. COMMISSIONER BAILEY SECONDS THE MOTION

Votes were taken by Ayes and Nays and recorded as follows:

| Matt Scherer | Paul Johnson | Tim Bailey | Alex Noll | Bret Frakes | Kelli Curry | Jerry White |
|--------------|--------------|------------|-----------|-------------|-------------|-------------|
| DNV | Aye | Aye | Aye | Aye | --- | Aye |

The motion carried unanimously, 5-0.

Staff informed the applicant when the case would be submitted to the County Commission for a final decision and let them know they would receive notice prior to the meeting.

Item 6. Public Comment

There are no members of the public present to comment.

Item 7. Old Business and General Staff Report:

Old Business: None.

General Staff Report: Staff updated the Commission on the status of cases from the previous month. General discussion of previous cases ensued and requirements for the approval of plats. Staff distributed copies of the League of Kansas Municipalities commentary on the Kansas Zoning and Subdivision Statutes for the Commission to review. The next review of the County comprehensive plan was discussed specifically the effectiveness of overlays verse specifically declaring potential zoning classification for specific areas of the County and the relationship between the comprehensive plan and the subdivision regulations.

Item 8. New Business: None

Item 9. Adjournment

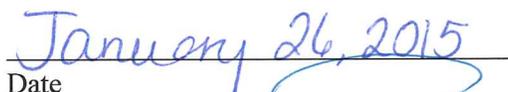
Action: Commissioner Bailey made a motion to adjourn. Commissioner Frakes seconded the motion. Motion carried unanimously. The meeting was adjourned at approximately 8:02 PM.

Minutes taken by:



 Sam Henderson, Zoning Administrator

Approved:



 Date

Chairman:



 Matt Scherer

Secretary:



 Alex Noll Secretary