

Jefferson County Planning & Zoning Oskaloosa, Kansas

OFFICIAL

OFFICIAL MINUTES OF THE JEFFERSON COUNTY PLANNING COMMISSION

Minutes of Planning Commission Meeting of September 23, 2013

Present: Matt Scherer, Chair; Paul Johnson, Vice-Chair; Roger Wood, Secretary; Bret Frakes, Tim Bailey, and Kelli Curry Members; Bill Noll, Zoning Administrator; Erin Scheuerman, Planner I.

Absent: Alex Noll, Member

Item 1. Call to Order.

Action: Motion made by Commissioner Johnson to approve the agenda, seconded by Commissioner Wood. Motion to approve agenda carried unanimously.

Item 3. Approval of August 26, 2013 minutes.

Chair Scherer asked if there were any corrections or additions to the minutes. Comments were addressed.

Chair Scherer asked for a motion to approve the minutes.

Action: Motion made by Commissioner Johnson to approve the August 26, 2013 minutes, seconded by Commissioner Frakes.

Chair Scherer called for a vote on the motion to approve the minutes. The motion carried unanimously.

Item 4. Z2013/05 by Gary and Kristen Black to change the District Zoning Classification from "RR" Rural Residential to "SR" Suburban Residential. This property is located in the Southeast Quarter of the Southeast Quarter of Section 6, Township 10 South, Range 18 East of the 6th P.M., Jefferson County, Kansas. Record Owners of the property: Gary and Kristen Black. The address of the parcel is 8674 Cozy Lane, Ozawkie, KS 66070. The property is located in the Northwest quadrant of the intersection of 86th Street and Hamilton Road.

FINAL PLAT REVIEW of “Black Lake Acres Subdivision”. This property is located in the Southeast Quarter of the Southeast Quarter of Section 6, Township 10 South, Range 18 East of the 6th P.M., Jefferson County, Kansas. Record Owners of the property: Gary and Kristen Black. The address of the parcel is 8674 Cozy Lane, Ozawkie, KS 66070. The property is located in the Northwest quadrant of the intersection of 86th Street and Hamilton Road.

Staff Presentation: Mr. Bill Noll, Zoning Administrator, presented item 4.

Mr. Noll stated that the current request has been submitted in order to rezone the property to “SR” and to have the Plat of the new division of the property approved.

Mr. Noll presented the staff report and a power point with maps showing the property’s location in relation to 86th Street and the community of Lakewood Hills Improvement District, surrounding zoning and land use, the notification area of the Rezoning Request, and site map. Mr. Noll stated that there were reviews completed for road access, sanitary, and water access and all were approved by the appropriate agency.

Staff recommends approval of Z2013/05 and the Final Plat of Black Lake Acres.

Staff recommendation is based upon the following:

The property appears to be suitable for the proposed use and appears to be consistent with the character and condition of the surrounding neighborhood. The request appears to be consistent with the Comprehensive Plan and with the intent and purposes of the regulations. It appears to be compatible with other uses in the surrounding neighborhood and will not adversely affect other property in the area. The proposed use does not appear it will cause an undue burden on transportation facilities and will not be detrimental to the health, safety, morals, comfort or general welfare of the neighborhood.

The proposed properties meet all of the guidelines set forth by the subdivision regulations. This includes adequate space and conditions for wastewater removal, direct driveway access, water access, and proper road frontage requirements.

Commissioner Johnson asked about the sewer inspection. He asked on the second lot how much is available for a septic system. Mr. Noll stated that he did not know exactly where the system would be place. He stated that more than likely a future residence will need a pump to pump the sewage to the system.

Commissioner Johnson asked if approval of the Plat would require that the county to maintain road that they currently do not maintain. Mr. Noll stated that it could add additional 50 feet of maintenance to the road prior to the approved driveway location.

END OF STAFF REPORT

Chair Scherer asked if the applicant was present to speak on their behalf. Mr. Black spoke on behalf of the applicants. He stated that they would like to split the property and take advantage of

the second water meter on the property. Mrs. Black stated that they have two children and they would like to pass the property into them in two pieces.

END OF APPLICANT PRESENTATION

Chair Scherer asked if there was anyone who would like to speak in favor of the application. No comment was given.

Chair Scherer asked if there was anyone who would like to speak in opposition to the application. Mrs. Carol Smith spoke in opposition to the application. She stated that she had concerns that a second water meter would affect her water pressure. She had concerns that they would be using an area that she pays taxes on.

END OF PUBLIC COMMENT

ACTION: Commissioner Frakes made a motion to recommend approval of Z2013/05 and the Final Plat of Blake Lake Acres Subdivision. Commissioner Bailey seconded the motion. Chair Scherer asked if there was any further discussion. Chair Scherer asked if they were basing their recommendation on Staff's recommendation. Commissioner Frakes answered yes.

Motion carried unanimously.

Item 5. Z2013/06 by Meril Vanderpool to change the District Zoning Classification from "RR" Rural Residential to "SR" Suburban Residential. This property is located in the South Half of the Northwest Quarter of Section 34, Township 9 South, Range 17 East of the 6th P.M., Jefferson County, Kansas. Record Owners of the property: Meril D. Vanderpool and Rebecca R. Vanderpool. The property is vacant. The property is located on the west side of Village Greens Road approximately 1500 feet south of K-92 Hwy.

The current request has been submitted in order to rezone the property to "SR" so that in the future it can be platted with the property that Mr. Vanderpool owns directly to the south. Approval of this application will not make the property eligible for building permits until it is platted as an independent one lot subdivision (which it will not meet the road frontage requirements for) or it is platted with the property to the north. This application also does not make the remaining parcel where the house is located compliant. That parcel will have to be rezoned and platted as well before it is considered compliant with the zoning regulations. Mr. Vanderpool does not have the ability to rezone the property for the owner unless that owner agreed to such. At this time the owner of the property has not done so.

Mr. Noll presented the staff report and a power point with maps showing the property's location in relation to the Village Greens Drive, K-4 Highway, and K-92 Highway, surrounding zoning and land use, the notification area of the Rezoning Request, the current use of the property, and the proposed use of the property.

Staff recommends approval of Z2013/06.

Staff recommendation is based upon the following:

The property appears to be suitable for the proposed use and appears to be consistent with the character and condition of the surrounding neighborhood. The request appears to be consistent with the Comprehensive Plan and with the intent and purposes of the regulations. It appears to be compatible with other uses in the surrounding neighborhood and will not adversely affect other property in the area. The proposed use does not appear it will cause an undue burden on transportation facilities and will not be detrimental to the health, safety, morals, comfort or general welfare of the neighborhood.

END OF STAFF REPORT

Chair Scherer asked the applicant if he would like to speak on his application's behalf. Mr. Vanderpool spoke on behalf of his application. He explained the future plans for platting the property.

Commissioner Johnson asked Mr. Vanderpool about the gentlemen who was not bringing his house into compliance. Mr. Vanderpool stated that he had tried to purchase the entire property but could not come to an agreement with the owner. He stated that he would like to buy the property in the future and tear the house down.

END OF APPLICANT PRESENTATION

Chair Scherer asked if there was anyone who would like to speak in favor of the application. No comment was given.

Chair Scherer asked if there was anyone who would like to speak in opposition to the application. No comment was given.

END OF PUBLIC COMMENT

ACTION: Commissioner Bailey made a motion to approve Z2013/06 based on Staff's recommendation. Commissioner Curry seconded the motion. Motion carried unanimously.

Item 6. Development Plan Revision DP2013/04 by Kenneth Katz for the proposed use of Used Car Sales and Special Events Promotional on land described as: Lot1, Hendrix Acres, a subdivision, in Jefferson County, Kansas. The address of the parcel is 5927 Slough Creek Road, Oskaloosa, KS 66066. The parcel is generally located on the west side of Slough Creek Road approximately 3/4 mile south of Ferguson Road.

Mr. Noll presented the staff report and a power point with maps showing the property's location in relation to Ferguson Road and Lakeside Village Subdivision, surrounding zoning and land

use, the notification area of the request, the current use of the property, and the proposed layout of the new properties.

Mr. Noll made the following statement regarding the application:

Staff recommends approval of DP2013/04 with the following conditions:

- 1) The will never be more than 10 cars for sale at the site as listed in the applicants statement of intent.
- 2) All types of Special Events shall be allowed without review excluding Type 4 – fireworks stands and all of Type 6.

Staff recommendation is based on the following:

The property appears to be suitable for the proposed use and appears to be consistent with the character and condition of the surrounding neighborhood. The request appears to be consistent with the Comprehensive Plan and with the intent and purposes of the regulations. It appears to be compatible with other uses in the surrounding neighborhood and will not adversely affect other property in the area. The proposed use does not appear it will cause an undue burden on transportation facilities and will not be detrimental to the health, safety, morals, comfort or general welfare of the neighborhood.

The property has an Unapproved Conditional Use Permit for the storage of boats and campers. Since Ms. McNish and Mr. Katz purchased the property they had increased the number of units being stored. I'm sure that they will continue to try to add to that number in the future in order to produce additional income. The addition of ten vehicles to already limitless number of campers and boats on the property in my opinion should not affect the property values of the neighboring properties.

The Special Events aspect of the application also does not raise any concerns with me at this time. The applicant has invested her savings in rebuilding what was last year a property that was in near disrepair and was only a few months from being county owned due to back taxes. What she wants to do is have small events to promote her business and hopefully bring in new customers without paying for and having a review completed each time she has one.

Commissioner Johnson asked Mr. Noll to explain the concept of an Unapproved Conditional Use Permit. Mr. Noll stated that a better term for these uses would have been Pre-existing Conditional Use Permits. He stated that they are uses that were allowed by prior zoning regulations that are no longer allowed that use has not ceased to exist for a period of longer than one year.

END OF STAFF REPORT

Chair Scherer asked the applicant if he would like to speak on his application's behalf. Ms. McNish spoke on behalf of the application. She stated that they wanted to promote their business

and supplement their income during the camping offseason. She stated that she did not think that this would produce much traffic and that most sales would be done on the internet.

END OF APPLICANT PRESENTATION

Chair Scherer asked if there was anyone who would like to speak in favor of the application. No comment was given.

Chair Scherer asked if there was anyone who would like to speak in opposition to the application. No comment was given.

END OF PUBLIC COMMENT

ACTION: Commissioner Frakes made a motion to approve DP2013/04 with the recommended conditions as follows:

- 1) The will never be more than 10 cars for sale at the site as listed in the applicants statement of intent.
- 2) All types of Special Events shall be allowed without review excluding Type 4 – fireworks stands and all of Type 6.

Commissioner Johnson seconded the motion. Motion carried unanimously.

Item 7. Public Comment

No comment was given.

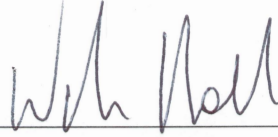
Item 8. Discussion of New, Old, and Other Business:

Update of the August cases. Introduction of new member Kelli Curry.

Item 9. Adjournment

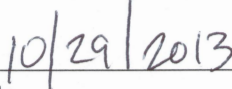
Action: Commissioner Wood made a motion to adjourn. Commissioner Frakes seconded the motion. Motion carried unanimously.

Minutes taken by:



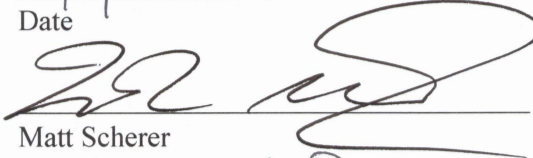
William Noll, Zoning Administrator

Approved:



Date

Chairman:



Matt Scherer

Secretary:



Roger Wood