FRANKLIN COUNTY PLANNING COMMISSION

PUBLIC MEETING MINUTES

6:30 P.M., SEPTEMBER 15th, 2016 AT THE COUNTY COMMISSIONERS MEETING ROOM
FRANKLIN COUNTY ANNEX

ATTENDANCE:

MEMBERS: J. Peckham, Chair, L. Thurston, L. Spencer, D. Stottlemire, R. Bowers, R. Welton and S. Valencia were present. K. Jones and L. Stewart were excused.

STAFF: Larry D. Walrod, Planning Director and Deann Farrell were present

COMMISSIONERS: None were present.

ADMINISTRATOR: None were present.

CO COUNSELOR: D. Brown was present.

PUBLIC: Seven (7) people signed in. Sign-in list is part of the official file copy located in the Planning Office.

NOTES: Chair called the meeting to order at 6:30 p.m.

GENERAL BUSINESS:

ADOPTION OF THE AGENDA: Chair asked if there were any amendments to the September 15h, 2016 Agenda. Staff stated there were none. S. Valencia made a motion to approve the agenda as presented. The motion was seconded by L. Spencer. The Chair called for voice vote. All voted in favor. The agenda was approved 7-0 as presented.

APPROVAL OF MINUTES: July 21st, 2016 Public Meeting

NOTES: Chair asked if there were any corrections to the July 21st, 2016 Public Meeting Minutes. There were none. Chair asked for a motion. L. Spencer made a motion to approve the minutes of the July 21st, 2016 Public Meeting as written. The motion was seconded by R. Welton. The Chair called for voice vote. The minutes were approved 6-0-1 abstain as written.

COMMUNICATIONS: Staff stated the only communications for this evening are related to items on the agenda.

EX PARTE COMMUNICATIONS: There were none.

PUBLIC MEETING ITEMS: The Chair opened Public Meeting Items.

1. Continued application #1606-1406 (McCurdy) requesting to rezone approximately 11.00 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District. Said property is located near the intersection of Oregon Road and Kingman Terrace, on the East side of Oregon Road and approximately one-half (1/2) mile North of Kingman Terrace, in the Northwest Quarter (NW ¼) of Section 14, Township 17 South, Range 20 East.

Staff Presentation: The Chair opened Staff Presentation. Staff stated that the applicant is requesting another continuance because they are having difficulties in satisfying one of the criteria that is required for rezoning, which is the ability to provide on-site water that is in compliance with the County Sanitation Code, County Comprehensive Plan as well as the requirements of the County Zoning Regulations and Building Codes. The applicants have requested a continuance to the December meeting to allow them to continue to work on trying to get an on-site water supply that will meet their domestic purposes for adding this additional land division. The Chair closed Staff Presentation.

Applicant Presentation: The Chair opened Applicant Presentation. There were none. The Chair closed Applicant Presentation.

Public Comment: The Chair opened Public Comment. There were none.

Board Discussion. The Chair opened Board Discussion. There none. The Chair closed Board Discussion.

The Chair asked for a motion. L. Thurston made a motion to continue to application to the December meeting. The motion was seconded by R. Welton. Chair called for a roll call vote.

Welton	Yes	Spencer	Yes	Peckham	Yes
Thurston	Yes	Stewart	Excused	Jones	Excused
Valencia	Yes	Bowers	Yes	Stottlemire	Yes

Motion carried 7-0.

2. Application #1608-1414 (Piersol) requesting to rezone approximately 15.00 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District. Said property is located West of Delaware Terrace between Douglas Terrace and Douglas Road, in the West Half (W ½) of the Southwest Quarter (SW ¼) of Section 28, Township 18 South, Range 18 East.

Staff Presentation: The Chair opened Staff Presentation. Staff stated that the applicant is requesting to rezone approximately 15.00 acres from an A-1 (Agriculture) District to an R-E (Residential Estate) District. The property is located West of Delaware Terrace between Douglas Terrace and Douglas Road, in the West Half (W ½) of the Southwest Quarter (SW ¼) of Section 28, Township 18 South, Range 18 East. The purpose for the rezoning is to permit the refinancing of fifteen (15) acres, along with the existing residence and outbuildings. The location is depicted best on the aerial photo that is attached as part of your Staff Report. The remaining approximately seventy-eight (78) acres would remain in the A-1 (Agriculture) Zoning District. The secondary mortgage market today is not willing to lend on large tracts of land, therefore the Planning Commission has approved a number of these over the last three (3) years. A lot of smaller tracts have been created, that contain existing residences, for purpose of refinancing to satisfy the mortgage markets. The existing residence is already served with on-site water and sanitation so it does satisfy those policies of the Comprehensive Plan regarding on-site water and sanitation. There was a letter handed out earlier this evening from the applicants stating that the rezoning is solely for the purpose of refinancing. They will continue to own the remaining acreage. However, for legal purposes this fifteen (15) acres would become a separate tract of land. Staff finds that the rezoning request is substantially in compliance with the goals and objectives of the County Comprehensive Plan and the County Zoning Regulations. In consideration of the rezoning, the Planning Commission should look at the thirteen (13) findings of fact based on the guidelines that are listed in your Staff Report along with the factors from the Golden Case. Notice was sent to six (6) surrounding property owners. The Planning Department did not receive any

comments for or against the proposed rezoning request. After reviewing the character of the surrounding area and the policies of the Comprehensive Plan, Staff recommends that the Planning Commission adopt the attached draft resolution recommending approval of rezoning application #1608-1414 to rezone approximately 15.00 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District based on the findings as set forth in the resolution and forward a recommendation to the County Commissioners to rezone the property and to amend the County Zoning Map accordingly. The Chair closed Staff Presentation.

Applicant Presentation: The Chair opened Applicant Presentation. There were none. The Chair closed Applicant Presentation.

Public Comment: The Chair opened Public Comment. Barbara Hermreck, 995 Delaware Terrace, stated that she is present this evening to represent the applicants. Mrs. Hermreck stated that she was under the impression that the applicants; were having an insurance problem.

Staff stated that the applicants could be having an insurance problem and they probably had to refinance in order to satisfy the insurance issue. In order to refinance in today's market, the secondary mortgage market does not want loans on large acreages so the applicants have decided to take the minimum amount of acreage that would still satisfy the mortgage market and refinance and that would take care of any insurance issues. The Chair closed Public Comment.

Board Discussion. The Chair opened Board Discussion. There were none. The Chair closed Board Discussion.

The Chair asked for a motion. R. Welton made a motion to recommend approval of application #1608-1414 (Piersol) requesting to rezone approximately 15.00 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District. Said property is located West of Delaware Terrace between Douglas Terrace and Douglas Road, in the West Half (W ½) of the Southwest Quarter (SW ¼) of Section 28, Township 18 South, Range 18 East, based on Staff recommendations and the findings as stated in the Staff Report. The motion was seconded by R. Bowers. Chair called for a roll call vote.

Welton	Yes	Spencer	Yes	Peckham	Yes
Thurston	Yes	Stewart	Excused	Jones	Excused
Valencia	Yes	Bowers	Yes	Stottlemire	Yes

Motion carried 7-0.

3. Application #1608-1416 (McCurry) requesting to rezone approximately 13.00 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District and to rezone approximately 25.00 acres from an A-1 (Agriculture) Zoning District to an A-2 (Transitional Agriculture) Zoning District. Said property is located near the intersection of Iowa Road and Cloud Road, on the East side of Iowa Road and approximately one-quarter (1/4) mile East on Cloud Road, in the East Half (E ½) of the Northwest Quarter (NW ¼) of Section 05, Township 19 South, Range 19 East.

Staff Presentation: The Chair opened Staff Presentation. Staff stated that the next item on your agenda is also related to this item. Staff did receive a request from the applicants to continue this item to the December meeting because of their inability at this time to satisfy the requirements for the on-site water issue. However, this is a public hearing and this item was advertised as a hearing so we would need to open that hearing and allow any public testimony for or against this item. However, we did receive a request from the applicants to continue this matter to the December meeting to allow them time work with the rural water district to get an adequate water supply. Staff has nothing further to add. There are several people present this evening that are concerned with this item and may wish to go on records this evening so I would suggest that the Chair open public comment this evening to allow those people to testify.

Applicant Presentation: The Chair opened Applicant Presentation. There were none. The Chair closed Applicant Presentation.

Public Comment: The Chair opened Public Comment. Jeff Greenwood, 732 Cedar Street, Olathe, stated that he is against the rezoning request for several reasons. The first reason is because when people are looking to buy rural property they are generally not looking for a lot of neighbors. They have owned that half (1/2) section for 50 years and we feel that if the applicants were to sell that would adversely affect the value of their property. The second reason would be the increase in trespassing, poaching and vandalism and whatever else might go along with adding more homes to that section. In the fifty (50) years they have owned the property they have never seen a Sheriff or Warden in the area. The Northeast property has been for sale for two (2) years on that same section.

Chair asked Mr. Greenwood if he owns half (1/2) the section.

Mr. Greenwood stated yes he owns half (1/2) the section.

Chair stated so you own 320 acres. Someone else owns close to 300 or are there several other property owners?

Mr. Greenwood stated that several other people own other tracts.

James Hayward, 1945 Cloud Road, 1945 Cloud Rd., stated he owns the 13 acres on the North side of the road. We don't have enough water pressure now for the applicants to get a new water meter. They don't want any neighbors. We they purchased the property from Shani she told them they weren't allowed to make smaller tracts anymore. The water pressure is a big issue. When the applicants built their house the water pressure went down. If you get up at a certain time in the morning and try to take a shower you don't have a lot of water pressure. They have a 2-inch water line that feeds probably 25 miles. They are on Rural Water District #4. He knows a little bit about rural water because he works for one. They moved out there to get away from everyone so they don't want any neighbors. They definitely don't want a subdivision down there.

Shelly Hayward, 1945 Cloud Rd., stated they purchased the property 12 years ago from the McCurry's and at that time the McCurry's told them that they planned on building on the 50 acres they had purchased across the road. We are directly across the road. The applicant's drive in on Iowa Road so they don't have a drive across from their property at all. Several years ago the applicant's attempted to put 13 acres on the market to sell. When they purchased the property from the McCurry's they asked them if they were going to build on the 50 acres or divide it up and they were told no. The applicant's told them they were going to keep the 50 acres and that is why they purchased the property, because of where it is and the neighbors and farm land around it. The school buses are also an issue. They are concerned that it will end up being more than one house and will be divided into multiple lots. The roads are not very well maintained so the additional traffic is an issue.

Chair asked if Staff has a map of the location of the property.

Staff stated that he does have a map of the location of the proposed property.

Discussion proceeded about the location of the property and the surrounding property owners.

Staff stated that the reason that this property is required to do a subdivision plat is because you are entitled to do a one-time lot split. If you had 80 acres and split off 10 acres, the next time you wanted to split off any acreage out of the remaining land would require a subdivision plat. Even if it was only 3 or 5 acres. You are only entitled a one-time lot split without having to do a subdivision plat. What the applicants are intending to do was create one additional tract of land.

R. Welton asked if the property was being split for a family member to build a new residence.

Staff stated he was not certain if the property was going to be placed on the market or whether it was going to be for a family member. They applicants haven't resolved the water issue as of yet and if they don't resolve the water issue then the entire application will become mute.

Joe Platt, 2016 Clark Rd., stated that he lives around the corner. Mr. Platt asked if they knew about the chemicals that are sprayed. How are they supposed to maintain when you have a couple of houses on 10 acres when they have to stay one-quarter (1/4) to half (1/2) mile away depending on which way the wind is blowing. How can they properly maintain so they aren't fined? Everyone plants trees, gardens and flower beds in the middle of agriculture. If you go East of his property on Iowa Road, that was split off into 6 small lots and two years ago it was set on fire. In January or February one of the guys burned almost the entire section and he hays all that land. Ever since they burned the ground like that the grass has never come back right and nobody cleaned up the trees that they killed. Nobody could come up with homeowner's insurance for anyone to take responsibility. He runs cattle to the East of the proposed tract and Dave runs cattle to the West of the proposed tract. You get grass that tall and get someone from the city into one of the new tracts and burn that ground imagine how fast that would burn. Who will buy his cattle? This rezoning request makes no sense at all. If the applicants want to sell the land, then just sell the entire tract. His dad owned this land back in the 1940s and then him and his wife purchased it. It is a nice quiet neighborhood. The increase in poaching is getting worse and worse every year in this area because you get people moving in. It is getting to the point it is almost dangerous. If you construct more houses in this area what is going to happen.

Staff stated that the applicants have requested for a continuance to the December meeting and Staff would ask that the Board to approve a motion to continue this matter to the December meeting.

Board Discussion. The Chair opened Board Discussion. R. Welton stated that the water pressure issue was mentioned earlier. Does the rural water district test for water pressure when deciding whether to provide a water meter to the new site or not?

Staff stated the applicants make a request to the water district and then the water district contacts their engineers to assess their systems to determine what capabilities the water district have in being able to provide water to the new site. This location has a 1-1/2-inch line that would serve this new property. This line does not have enough volume or pressure. These lines can only be telescoped so far before you run out of the capability of providing adequate water pressure. This is what the engineers for Rural Water District #4 have stated so they are having to look at the cost to upgrade the lines and what the participation would be for the district versus the individual cost for the line extensions. Staff isn't even certain there is the ability to drill a well in this area. There are locations in the County that have an adequate ground water supply that would meet our requirements. However, that requires drilling the wells to verify that you have that ability. The applicants are re-evaluating what their options are.

R. Welton asked when the motion is made to continue the rezoning application could the application for the subdivision be included in that motion.

Staff would recommend that you continue both applications because you cannot act on the subdivision application without first approving the rezoning application.

Chair stated that the application for the subdivision plat is because the property had already been split once. That doesn't mean they are building a multi lot subdivision, that doesn't mean the 13 acres is going to be split again. If they were to want to split the property again, it would have to come back before the Planning Commission to allow another subdivision. The subdivision is being proposed because it has already been split once.

Mr. Hayward stated that it was mentioned that this tract has been split once already. He would like to know where it has been split because the McCurry's purchased 50 acres and they haven't split it.

Staff stated the applicants divided out 13 acres for the purpose of financing the construction of their residence.

Randy Greenwood, 11801 W. 100th Terrace, Overland Park, KS asked if this rezoning and subdivision requests get approved and someone would want to build more homes out there, would they have to resubmit a request?

Chair stated that if someone would want to split the property again they would have to submit another subdivision plat and proof of water for all the new tracts proposed. It would have to be divided very carefully because you have the lot length-to-width ratio, lot frontage and other standards to meet.

Mrs. Hayward stated that their property is the last water meter on the line.

Mr. Hayward stated that there is also a water blow off valve on their property. When the District opens that blow off to clean the water main out, they have no water because it sucks all their water out.

Chair stated that she wanted to make sure everyone understood that the intention at this time is not to construct a subdivision but to split off 13 acres.

Mr. Greenwood asked how long they have to get the water issue resolved and could it be continued again if they didn't get the issue resolved?

Chair stated they have until the December meeting to get the water issue resolved. It would be up to the applicants if they would want to request another continuance or drop the matter altogether if they can't get the water issue resolved. The Chair closed Board Discussion.

The Chair asked for a motion. R. Welton made a motion to continue application #1608-1416 (McCurry) and application #1608-1417 (McCurry) final plat for McCurry's On The Cloud to the December meeting based on applicant's request. The motion was seconded by R. Bowers. Chair called for a roll call vote.

Welton	Yes	Spencer	Yes	Peckham	Yes
Thurston	Yes	Stewart	Excused	Jones	Excused
Valencia	Yes	Bowers	Yes	Stottlemire	Yes

Motion carried 7-0.

PUBLIC COMMENT SECTION: The Chair opened Public Comment. There were none. The Chair closed Public Comment.

GENERAL BOARD DISCUSSION: The Chair opened General Board Discussion.

1. Election of Officers

J. Peckham made a motion to select R. Welton as Chair. D. Stottlemire made a motion to cease nominations and to vote him in by acclimation. L. Spencer seconded the motion. Chair called for a voice vote. All voted in favor. Motion carried 6-0.

L. Spencer made a motion to select S. Valencia as Vice Chair and to vote her in by acclimation. R. Bowers seconded the motion. Chair called for a voice vote. All voted in favor. Motion carried 6-0.

The Chair closed Board Discussion.

CALENDAR: The next Planning Commission Public Meeting will be held **Thursday, October 20th, 2016, at 6:30 p.m.** in the **COUNTY COMMISSIONERS MEETING ROOM IN THE ANNEX BUILDING**.

ADJOURNMENT: With no further business to discuss, R. Bowers made a motion to adjourn. R. Welton seconded the motion. All voted in favor 7-0. The meeting was adjourned at 7:06 p.m.

Juanita Peckham

J. Peckham, Chair

Attest:

Larry D. Walrod

Larry D. Walrod, Planning Director