

**Planning Commission
January 10, 2017
Linn County Annex**

Members Present: Ed Andersen, John Ballou, Fred Kautt, Charlene Sims, George Teagarden

Staff Present: Andy Mayhugh, Melissa Fund

Ed Andersen called the meeting to order at 7:01 pm; Fred Kautt led the Pledge of Allegiance.

Ed Anderson called for election of officers;

George Teagarden nominated Ed Anderson for Chairman, Ed Anderson advised he is not eligible as he has been chairman for the previous 2 terms. George Teagarden nominated Charlene Sims for position of Chairman, Ed Anderson seconded, 4-0 (Charlene Sims abstained)

Charlene Sims nominated Dave Bergland for Vice Chairman, Ed Anderson seconded, 5-0

Fred Kautt nominated Melissa Fund for the Secretary, George Teagarden seconded, 5-0

Ed Anderson motioned to approve the minutes of the last meeting, George Teagarden seconded, 5-0.

Chairman Sims moved to convene as the Board of Zoning Appeals, John Ballou seconded, 5-0

V16-02 Variance, requested by Larry Page

Andy reviewed the commission's previous discussion in the minutes and said that he felt Mr. Page has complied with all previous requests of the board. Also noted was that in November the commission had given the applicant verbal approval of a Variance to the side yard setback for his proposed lot.

After discussion, George Teagarden moved to approve the variance, Fred Kautt seconded, 5-0 vote

Charlene Sims moved to convene as the Planning Commission, Ed Andersen seconded, 5-0 vote

Z09.16.213 Rezoning, requested by Larry Page

Andy stated he had received the completed application for rezoning, that the request has been published, and no comments have been received from the public.

Jim Schmitz explained that the initial rezoning to Heavy Industrial was recommended by Mel Bolling, however he feels that the Residential zoning makes more sense.

Andy ask the Planning Commission to include findings with any motion in the case.

The Planning Commission reviewed the Golden Factors as they applied to the rezoning request. All members agreed that the request meets these factors:

- 1) Character of the Neighborhood – No change is proposed for the uses which are already in existence.
- 2) The zoning and uses nearby – The proposed change will fit along with other lots and lot sizes. Property is less than 2 miles from Parker.
- 3) The suitability of the property for the uses to which it is restricted – again no change is proposed other than the size of the lot.
- 4) The extent to which the change will detrimentally affect nearby property – the change of zoning district will have no detrimental effect on adjoining property.

- 5) Conformance of the proposed change to the county's comprehensive plan – the lot exists in an area very near areas designated as suitable for small lot development on the Future Land Use Map and seems acceptable as suggested by the CLUMP map and text.

Andy suggested that the Board approve the request as the applicant had spent time and money to meet the recommendations of the Board.

John Ballou moved to approve with findings, Charlene Sims seconded, 5-0 vote

Charlene Sims asked if the rezoning needs to go to the County Commissioners. Andy Mayhugh indicated that it should be able to be presented to the Commissioners at their meeting on 1/17/17. He will review the application to make sure the survey, road easements, etc. are in order and follow up with Jim Schmitz as needed.

New Business

Andy recommended the Board review the Comprehensive Plan. KS State Statutes requires a yearly review of the Comp plan and the Linn County Comp Plan was adopted in 2006. The Board indicated that the Plan was last reviewed 2 years ago when attempting to form the Codes Court, discussion about how the Codes Court works.

Fred Kautt asked what the 1st step for reviewing a complaint is, Jackie Messer stated that per most recent procedures the complaints can be submitted to himself, John Maloney or Melissa Fund, the complaint is logged, John Maloney will investigate and then follow up with Gary Thompson as needed.

Fred Kautt presented a complaint to Jackie Messer, he indicated that he will review it

Andy presented a handout to the Board and then discussed the change in population trends for Linn County, overall the county has had very little net change in population from 2000-2010. Andy explained that the Comprehensive Plan was designed with growth in mind, however he recommended not amending the plan at this time as there has not been significant growth in the county.

Andy also recommended that the Board review the Future Land Use definitions on page 149-154 of the Comprehensive Plan and recommended that those definitions should be very similar to the Zoning Districts enumerated in the Zoning Regulations. Discussion about the different types of districts and their purpose, Andy suggested that if the Board amends the zoning regulation, they might consider a Light Industrial district as well.

Andy also recommended that the Board review Tab 10- Sign Regulations and that this be made a chapter of the Zoning regulations, it does not need to be a stand-alone document.

Andy also recommended that resolution 95-24 needs to be reviewed and amended or repealed as the County Counselor views the current regulation as unenforceable as written since it names a specific dog breed. The current zoning regulations call out this resolution as also needing a conditional use permit. Discussion about how to regulate dangerous dogs and exotic animals within the county. Charlene Sims stated that lots of cities do regulate by breed. Fred Kautt asked how many pit bulls were in Linn County at present and if they have permits. Andy stated he does not know, but that if the regulation can't be enforced then there is no need to have it on the books.

Charlene Sims asked how often the Board needs to review the Zoning regulations

Andy stated they should be reviewed as needed. It was also discussed how many different items in the Planning and Zoning office have not been maintained. Andy again reinforced that the Comprehensive Plan and Golden Factors are the most important things to consider when making a decision.

Charlene Sims indicated that she would like for the Board to be able to attend training.

Ed Andersen indicated he didn't know if the budget would allow for that.
Jackie Messer indicated that he didn't see any problems with a budget for training.

Charlene Sims indicated that they also need draft rules regarding the demolition of an existing dwelling after a 2nd/replacement dwelling has been built on the property. Andy indicated that the zoning regulations do limit the amount of time the property owner has to remove the property and the need to follow up with the owners about the removal.

Charlene Sims asked if there were any pending applications for the next meeting, indicated there were not.

Charlene Sims recommended the Board review the Zoning Regulations and Comp Plan for discussion at the next meeting on 2/14/17.

John Ballou motioned to adjourn, Ed Andersen seconded; 5-0.

Meeting adjourned at 8:00 pm.

Chairman

Attest:

Secretary

mef