

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

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

Staff Present: Melissa Fund, Jackie Messer, Meghan Swanson

Charlene Sims called the meeting to order at 7:10 pm

Fred Kautt led the Pledge of Allegiance

Ed Andersen moved to approve the minutes of the previous meeting, Fred Kautt seconded. Charlene Sims wanted to make two corrections- In the discussion of replacing non-attending members Fred Kautt had recommended we review attendance records and not Charlene Sims as listed, and Dave Berglund had suggested having a training session for new members, and not an executive session. Voted to approve minutes with corrections, 5-0.

New Business

CUP 17-001: Beringer Horse Hotel

Charlene Sims introduced Cup 17-001. The applicant, Amanda Curfman-Beringer, explained that she and her husband currently live in Stillwell, KS, but own approximately 200 acres off of Highway 7 near Cadmus. The property includes a barn with living quarters, and a separate residence on the property as well. She would like to advertise their property as a "horse hotel" and provide a place for people who are traveling with their horses to layover for a short duration. The facility would provide an area to park trailers and turn-out horses, in addition to providing nightly rental of the living quarters in the barn. Phalen Equestrian Center in Bonner Springs, KS, is the only facility offering similar services in the area.

Meghan Swanson advised that the Beringers would be the only people in the immediate area providing this service, but does not feel the business would cause any increased burden on the roads or other existing infrastructure. There are no plans to build any additional structures on the property.

Charlene asked if RVs would be staying too- Amanda advised that they would have RV electrical hookups available, and that some of the trailers staying may have attached living quarters.

Ed Andersen asked for Amanda to show on the map where the hotel would be located on their property. She pointed out that the barn is located near the center of the property- 23446 KS Highway 7, Fontana, KS is the address for the barn.

Ed asked if they would be doing trail rides- Amanda advised eventually she would like to offer that, but for now are just planning to offer the hotel service, she then explained how they plan to allow guests access to the property, and that they will be limited to a 3 day stay.

Ed Andersen asked if there was sufficient room for trucks/trailers to pull off the highway, so that they won't be blocking traffic when accessing the gate to the property. Amanda advised that the driveway should accommodate most trailers, but they are willing to move the gate back if requested by the Board.

Charlene Sims asked if there was a conceptual plan of where the business would be placed on the property and explained previous problems with previous CUPs that were approved for the entire property. Amanda advised that the business activities will primarily be located in the center of the property near the barn.

Ed Andersen asked if the property is on rural water- Amanda advised they are and that the meter runs up from 2300 road.

Ed Andersen feels that we should be including the entire property in the CUP request.

Fred Kautt asked if property is currently in grass or row crops, Amanda advised that it's about 100 acres of each.

Jackie Messer asked if the RV hook-ups would be for just power, or if there would be sewer pumping as well. Amanda advised they would be just electrical, and that any human sewage would need to be hauled out- only horse manure would be allowed to be left at farm. They have determined there are two dumping locations near La Cygne for RVs, while the horse manure will be harrowed into fields on the property. Amanda explained that they most likely would only have one RV on the property at a time- that once they have one booked their website will show as "no availability".

Fred Kautt asked what the main form of advertising would be. Amanda plans to advertise primarily through the Kansas Horse Council, which she is a member of, word-of-mouth through the fox hunting circuit and other equestrian events, advertisements at local horse/agriculture related businesses, and through www.horsehotel.com.

Ed Andersen asked if any there would be any signage on property advertising the business, Amanda advised there would not.

Jackie Messer brought up the dumping station at Linn County Park and that it's not typically open to the public, but just campers, and that the lagoon there is near capacity. Discussion about sanitation system requirements in the county. Amanda advised that most people with living quarters in their trailers are aware of the capacity of their systems, and typically try to plan out routes that include pumping stations at appropriate intervals.

John Ballou discussed sanitation system requirements.

Charlene Sims asked Meghan Swanson for her recommendations on sanitation requirements for the CUP. Meghan stated that she recommended no dumping be allowed on site. Amanda asked what they do at the fairgrounds during the rodeo, fair, etc. Meghan advised they have a lagoon at the fairgrounds, and re-iterated that that not every person who stays at the horse hotel will need to dump their system

there. Charlene Sims understands that, but still feels sanitation needs to be addressed in the CUP, and wonders how it will be covered in advertising/contracts for the business.

George Teagarden advised he has been reviewing the websites for other horse hotels and that they advertise electricity and fresh water, but no dumping stations.

Further discussion about dumping stations- Aron Coleman suggested that the holding tank that is on the property for the separate residence could be used as a station for people who want to dump, otherwise they can dump at approved station in the county.

Ed Andersen wondered about the CUP including requirements about guests being respectful if there are any services, etc., going on at the cemetery adjacent to the property.

Discussion about CUP conditions for sanitation, length of stay, etc.

Charlene Sims asked about the condition of driveway to the property- Amanda advised they have 3" gravel with screenings on top of that, which was installed 3 years ago. Her husband does own a dump truck and will maintain the driveway as needed. Charlene advised that the board typically require an all-weather driveway and parking area. Charlene wanted to know if parking areas for RVs/trailers are graveled as well- Amanda advised they are.

George Teagarden asked if the entrance gate would be closed at all times- Amanda advised it would be, it's currently installed and has a coded keypad that will change for each guest. Discussion about length of highway right of ways, length of the driveway to the entrance gate, etc.

George thinks the length of road turnoff to the gate should be a minimum of 50 feet, Amanda advised they can measure and change the gate placement as needed. Meghan used Arc Reader to measure the length of the current turnoff, and determined it to be 70 feet.

Charlene wondered if there any state regulations for horse hotels- Meghan advised there were none she was aware of. Amanda advised that she will require negative Coggins test and health certificates for all horses on the property. George advised that would be required for interstate travel.

Fred Kautt asked who is providing insurance for the property and business. Amanda advised she would have guests sign a liability waiver, and then will have liability signs posted as per Kansas law for equestrian activities.

Jackie Messer suggested requiring a maximum number of trailers as a condition. Amanda advised they have a 3 stall barn and can add pens to outside of the building as needed, but believes that to start with they wouldn't have more than 3 trailers at a time. Ed Andersen feels is important to give the business some leeway for future expansion. Amanda feels that a maximum of five trailers would be more than adequate for now. Discussion about whether to consider a maximum number of trailers or maximum number of horses.

Meghan Swanson reviewed her findings and the proposed conditions:

- Agreement with customers that they will not dump sewage at the location unless allowed to use the holding tank on the property
- 3 day maximum stay
- Maximum of 6 trailers on the property at any given time

Charlene asked if we want to consider requiring an all-weather road- George didn't think it was necessary for this type of business.

Ed Andersen moved to approve CUP 17-002 for the entire property and findings with the conditions previously named, George Teagarden seconded, 5-0 vote.

Meghan confirmed CUP will go in front of the commission on Monday for approval.

Charlene Sims asked if any public comments received on the CUP- Melissa Fund advised there were not.

Charlene Sims called for a 5 minute break, meeting will reconvene at 8:10 pm.

Charlene Sims called the meeting back to order at 8:10 pm.

CUP 17-003: Coleman Family Arms

Aron Coleman is applying for the CUP and provided an overview of the business. He is currently a fulltime National Guardsman in Iowa, and is looking to start a business that he can expand upon after his eventual retirement from the military in about 12 years. At that time he may expand into a storefront business, but for right now he is planning to sell primarily through the internet and gun shows. The home-based portion of the business will primarily be for the storage of his inventory. He may occasionally have a customer come to the house to pick up a gun, which is why he's applying for the CUP as it is illegal for him to sell outside a gun show or the residence of the business. He will not be operating a firing range, there will be no signage outside the business, and any pickups will be by appointment only.

John Ballou stated there is lots of competition for this type of business, Aron replied that yes, there are a number of firearms businesses in the area, which is why he's focusing on the internet and gun show sales.

Charlene Sims asked for public comments:

Mike Qualizza is an adjacent landowner and advised that he concerned with firearms being sold on the property. He expressed concerns that weapons can be resold to the wrong people, etc. He also has concerns about the firing range that is currently on property. He states that he often has to call and let Aron know they are trying to do work on their property and ask that he stop shooting. George Teagarden asked for clarification on the range- if it was currently existing or was going to be built. Mike advised that the range is existing and it currently faces towards their farm. Mike advised that Aron does own land to the south of the land covered by the CUP, and that he would like to see the range moved to

the south property so that bullets would no longer be going towards his property. Mike again stated that he thought firearms as a home based business would bring problems to the area.

Charlene Sims asked if people would be coming to use the range –Aron advised that they do have people coming to use the range, but it is completely separate from the proposed business. Currently only Aron’s family and friends are allowed to use the range and it is not open to the public. Aron advised that he is a certified Range Safety Specialist through the NRA. The range does have a backstop and no bullets are going over Mike’s land but instead are landing in the backstop. Aron advised that no customers would be allowed to test-fire guns on the range.

Aron then stated that in 12 months his property to the south will be coming out of CRP, and at that time he will move the range to the south property. Regarding Mike’s concern about the business bringing trouble to the area, Aron advised that he will not be advertising the location of the business, and that the ATF has very strict regulations about how firearms must be stored. Aron advised that his safe is bolted to the ground and wall in addition to being locked, and that someone would have to do significant damage to the house to remove the safe.

Charlene asked about a conceptual plan- Aron advised the business would be restricted to just the house itself, with customers using the existing driveway to access the property. Aron advised there would be absolutely no one using the range in relation to the business, and that in order to obtain his federal licensing he must comply by the terms of the county’s CUP. He is required to perform background checks on buyers, and will not have regular business hours at the house- any customers coming to the house will be by appointment only. When he is selling firearms through the internet or gun shows, he will ship the guns from his house to a registered pick-up location.

Fred Kautt asked if Sheriff Filla is aware that he is opening a gun business- Aron advised that at this time he is not as obtaining the CUP is the first step in applying for his federal permits. The federal requirements are that the property either already be zoned to allow for a gun dealership, or that an approved CUP allowing the dealership be in place prior to applying for a permit. Once he applies for the federal permits he is required to notify the sheriff as part of the application process.

John Ballou asked Mike Qualizza to expand on his complaint about bullets being fired towards his location. Mike stated that approximately 2 years ago he was out fishing with friends on his property and they could hear bullets nearby. John asked if actual physical bullets were seen, Mike advised it was just the noise of shooting. Mike advised that Aron has been very receptive to any complaints, and will quit firing once Mike lets him know they are out working on their property, etc. Mike again stated they would prefer to have the new gun range facing south, but understands that can’t happen until October of 2018 due to ground being in CRP

Charlene reviewed conditions of the CUP:

-Shall meet all federal and state regulations and that we receive copies of permits once approved

Board discussed the need to be good neighbors and making sure that everyone in county receives the same treatment

Jackie Messer asked how any future expansions of the business would be handled. Ed Andersen advised we are only approving the sales of ammunitions and guns, Aron advised selling firearm parts would be part of the business as well. Ed stated that the shooting range is for private use only, and would require a modification to the CUP if they did want to use it for the business in the future.

Charlene feels we should include no customers using the firing range as a condition of the CUP as well. Aron has no objection to this.

Fred Kautt asked how extensive the advertising would be. Aron advises that no one will know he sells guns simply by driving by his house, and that he does not want to increase traffic to the area, etc. If his Federal Firearms License is approved, he will start a website for the business, but it will be focused on internet sales only. He reiterated that if anyone does come to the house, it will be someone that he has already met face to face through gun shows, but again, he will be encouraging customers to purchase through gun shows or online sales.

Meghan reviewed her findings and suggested conditions for the CUP:

- The business meets all federal and state regulations
- The firearms safe will be secured appropriately
- No customer will be allowed to use the firing range
- A List of firearms on the property with serial numbers will be kept in a separate location – Aron advised that is required by the ATF as well, he has a personal safe for his own guns where those lists would be kept

Ed Andersen moved to approve CUP 17-003 with findings and conditions, John Ballou seconded, 5-0 vote.

Agreed to table old business on the agenda until a later meeting.

Ed Andersen moved to adjourn, John Ballou seconded, 5-0 vote.

Meeting adjourned 8:47pm.