

Minutes of the Linn County Planning Commission and Board of Zoning Appeals

June 13<sup>th</sup>, 2023

Richard Morrell called meeting to order at 7:00 PM

Pledge of Allegiance

Present, Richard Morrell (Chairman), Paul Porter (Vice-Chairman), Mike White, Fred Kautt, Dave Burglund, Charlene Sims, Ed Anderson.

Also, in attendance was Planning & Zoning Director Darin Wilson

Richard asked to approve the minutes from, 4/27 & 5/9 2023 meeting, Richard made a motion to approve

No old Business

New Business CUP 18005 & 8006 Hamm Renewal

Rich asked if anyone was here on behalf of Hamm to speak for them or if Darin wanted to speak first. Darin stated that they could go first. Rich instructed that they introduce themselves. Bob Ralls from Olathe, KS Director of Genealogy at Hamm spoke that he is here to renew 2 CUP's. They had acquired the business from Mid States in 2021 where they took over the Cadmus Quarry and LaCygne Quarry. Mid States had existing CUP's at that time and are expiring in the coming months and that is why we are here. They would like to renew. Hammond South has been around since 1954 with headquarters in Perry KS. We have several locations over Southeast KS as well as sister companies in Wichita. The operations here are well suited for the area, they have good rock, located close to the highway, no neighbors close by, and a lot of our rock is purchased by Linn and Miami County. Those Quarries only crush a few months a year. There are 2 Properties 18005 & 18006. We did add 24 acres to 18005 on the south side. From 50 to 74 acres. As for regulations, we do meet all County and State regulations and permits and are up to date and have the data to support. Bob asked if there were any questions for the Board of Commissioners. Fred asked where exactly Perry is. Bob explained NE of Lawrence, KS near Clinton Lake. Rich asked if Bethany was good rock. Bob explained that in Kansas it drills well. It is used for gravel, asphalt, and concrete. Rich asked what the normal depth is of digging Bob says normal is 20-30ft and 30-50ft is where you will find Bethany rock. Paul asked what are your plans for the foreseeable future? Bob stated that sales are growing and strong at over \$100,000 a year. Especially with the obvious growth coming down the highway. Fred asked for his phone number 913-209-9914. Charlene asked to confirm all regulations are State not federal. He confirmed yes State.

Darin gave his findings for 18005 & 18006

**Staff Report**  
**Case # Renewal CUP18005**

**Hearing Date:** June 13, 2023

**Date Prepared:** June 1, 2023

**Applicant:** Hamm Construction Inc.

**Requested Action:** Consideration of Renewal of Existing CUP for Quarry

**Legal:** S32 , T19 , R23 , ACRES 153.8 , SW4 EX BEG  
105'N SW/C TH E 181 .5 N 641 NWLY TO W LN  
SW4 S TO POB LESS RD

**Location:** Commonly addressed as: 11238 W. 2200 Rd. Fontanna  
Ks. 66026

**Current Zoning:** A/Agricultural

**Zoning and Uses Nearby:** Zoning – A/Agriculture

**Notice:** Notice was properly posted in the Official County  
Newspaper on May 24, 2023. In addition, notice  
was sent to owners of all properties within 1000'  
Pursuant to State Law and the Linn County Zoning  
Regulation.

**Affected Zoning Articles:** Article 4.02 (Page 21- 23)  
Article 4.03 (Page 23)  
Article 10.03 (Pages 48 – 49)  
Article 10.07, § 38 & § 39 (Page 53)

**Comp Plan Segments of Note:** Planning Framework Overview (Page 32) and Map  
(Page 33) of Comp Plan.  
Acceptable Land Uses:  
\* Residential,  
\* Agriculture,  
\* Commercial uses,  
\* Urban Mix,  
\* Mixture of Agriculture and Agri-business,  
\* Public/Institutional  
\* Parks/Recreation

**Comments/Questions received:** SEE NOTES ON SEPARATE PAGE(S) AT TIME OF MEETING, IF ANY.

**Analysis:**

Adjoining properties are zoned Agricultural. The subject property is currently zoned as A/Agricultural. The property is fronted along KS 7 HWY, utilizing a singular ingress/egress. This application for CUP is to permit the applicants' desire to be authorized to continue to operate a Rock Quarry. All necessary notification to surrounding landowners has been properly made by

United States Postal Service and Publication of Notice of Hearing in the official county newspaper.

**Staff Finds:**

1. The use does fit with the **character of the neighborhood** as all nearby properties are Agricultural.
2. The **zoning of nearby properties** are Agricultural.
3. The property is **suitable for proposed use**.
4. The proposed use will not **detrimentally affect nearby properties**.
5. Property will remain as **currently zoned** as Agricultural and has not been vacant. The applicant Currently lives at property.
6. The proposed use would not detrimentally affect the **public health, safety, and welfare**, and would benefit public welfare by providing a boost to local economy.
7. The requested CUP **conforms to the Linn County Current Comprehensive Plan**.
8. **Staff does recommend** approval of this CUP with recommendations of
  1. Property shall be used as a quarry, asphalt and concrete plant
  2. Conditional Use permit shall be valid for a period of ten (10) years. And with findings from Golden vs. The City of Overland Park.

Respectfully submitted,  
Darin Wilson  
Linn County Ks.  
Planning & Zoning Director

Charlene made a motion to approve with 5 year because of the change of hands. The conditions that they maintain all State regulations. Fred asked if went with Darin's Recommendation Rich clarified for Fred no 5 years. Then asked Charlene if her recommendation was in line with Darin's and she stated no for 5. She Because it changes hands and we do not know what the next company will be like and this way we can kind of regulate it. Rich stated the motion is for 5 years. Dave second the motion. Rich called for Discussion; Paul said just for sake of discussion there was another quarry we did this with similar circumstances we approved for 10. Dave said 10 years is a long time for people to be upset. Mike asked do we have the right to revoke a CPU at any time. If they are breaking a condition. Rich said if they are breaking conditions. We would have to put the conditions on there. Dave explained, we have been there, we have been there with this quarry with previous owners. Dave gave examples of what happened in the past with those quarries and how many unhappy people there were. Rich made a motion for 5 years. Passed unanimously.

Rich asked Darin what was next on the agenda.

Rich then backed up and called Z23-03 Mr. Campbell: Cole Campbell  
Mr. Campbell inherited this house and land and would like to sell 3 acres of his land. Dave asked about entrances. Rich clarified the location for Mike. Rich asked any more questions, no questions.  
Rich asked for Darin findings.

Darin gives his Staff report.

## **Staff Report**

**Case #: Z23-03**

**Applicant:** Cole & Hope Campbell  
7771 SW. County Rd. 8007  
Rich Hill, Mo. 64779

**Requested Action:** Approval of Re-zoning from the A-Agricultural Zone  
To the AG/Ag Residential Zone for lot-split  
purposes.

**Legal:** S30, T22, R25, ACRES 39.6, BEG 714.66 S  
NE/C NE4 TH S 135 5.02 W 980.53 N 419.74  
W 511.5 N 882.24 E 867.5 N 71.97 E 617 .8  
TO POB LESS RD

**Location:** commonly addressed as: 5820 Ungeheuer Rd. Prescott  
Ks. 66767

### **Analysis:**

The applicant has been approved for a lot split of 3 Acres to sale or lease. Under current zoning (A-Agricultural) the parcel is below the minimum (10 Ac) size and requires re-zoning as AR-Agricultural/Residential

### **Staff recommendation and finding:**

- 1) The proposed zoning change conforms to the character of the neighborhood by providing the combined usage.
- 2) Neighboring A and AR – Agricultural and Agricultural/Residential zoned properties and are of larger size.
- 3) Property is suitable for permitted uses of the proposed AR/Ag-Residential zoning and will not negatively affect nearby properties.
- 4) The proposal for re-zoning of the land creates no change or effect of surrounding properties and not create any additional infrastructure needs.
- 5) The proposed change conforms to the Comprehensive Plan by allowing more land to be kept in a larger agricultural parcel and not changed to a residential designation.

The standards that should apply is listed in Article 16.05 (4) (A-H) and with proper finding as required in Golden vs. the City of Overland Park and is located upon page 88 and 89 of your book. Staff recommends approval of the application.

Darin Wilson  
Planning and Zoning Director  
[dwilson@linncountyks.com](mailto:dwilson@linncountyks.com)  
Office: 913-785-2422  
Cell: 620-238-3201

Mike made a motion to accept Z23-03 for the Zoning passed unanimously.

Richa called Z23-04 Thies. Ms. Thies would like 2.5 acres for split so her son to build a home on. Rich asked the placement of the driveway and if anyone had any more questions.

Darin gave his report.

### **Staff Report**

**Case #: Z23-04**

**Applicant:**

Eric Thies  
16349 Young Rd.  
Pleasanton, Ks. 66075

**Requested Action:** Approval of Re-zoning from the A-Agricultural Zone To the R1/Residential Zone for lot-split purposes.

**Legal:** S35 , T20 , R25 , ACRES 21.9 , BEG NW/C  
SW4 TH N 412.5 E 1333 .6 S 766.63 W  
1333.41 N 353.43 TO POB LESS RD

**Location:** commonly addressed as: 0000 Young Rd. Located South of E. 1750 Rd on Young Rd. Pleasanton Ks. 66075

**Analysis:**

Applicant has been approved for a lot split of 2.25 Acres to sale or lease. Under current zoning (A-Agricultural) the parcel is below the minimum (10 Acres) size and requires re-zoning as R1/Residential

**Staff recommendation and finding:**

- 1) The proposed zoning change conforms to the character of the neighborhood by providing the combined usage.
- 2) Neighboring A and AR – Agricultural and Agricultural/Residential zoned properties and are of larger size.
- 3) Property is suitable for permitted uses of the proposed AR/Ag-Residential zoning and will not negatively affect nearby properties.
- 4) The proposal re-zoning of the land creates no change or effect of surrounding properties and not create any additional infrastructure needs.
- 5) The proposed change conforms to the Comprehensive Plan by allowing more land to be kept in a larger agricultural parcel and not changed to a residential designation.

The standards that should apply is listed in Article 16.05 (4) (A-H) and with proper finding as required in Golden vs. the City of Overland Park and is located upon page 88 and 89 of your book. Staff recommends approval of the application.

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Rich asked if anyone questions for Darin

Paul asked for clarification on the pond placement to make sure there wasn't a possibility of cutting any future owners' water supply off. Ms. Ties and Darin both explained that the map he was looking at was not very clear, but the water source in on the 2.5 acres.

Rich made a motion to pass, passed unanimously.

Rich adjourned the meeting

  
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Chairman

  
\_\_\_\_\_  
Secretary