

Minutes of the Linn County Planning Commission April 13th, 2021

Meeting called to order: 7:00 p.m.

Board Members Present: Ed Anderson, David Berglund, Fred Kautt, Richard Morrell, George Teagarden, Charlene Sims, Melanie Staton

Board Members Absent: Tate West

Also Present: Andy Mayhugh, Planning & Zoning Director, Tammy Grimes, Secretary, Jackie Messer, Public Works Administrator.

Pledge of Allegiance led by Dave Berglund.

Minutes of the last meeting were discussed. Motion by Charlene Sims to approve them, 2nd by Richard Morrel. Motion passed Unanimously.

New Business:

Andy Mayhugh made the suggestion to elect Tammy Grimes as the new Secretary. Charlene Sims made the motion, Ed Anderson 2nd the motion. Motion passed unanimously.

CASE CUP #21-01

Jeremy Willard from JJJ Vehicle Storage – Spoke regarding his plan for a proposed tow lot (automotive storage lot) at his residence on 200 Road, 5 miles West of Mantey. He wants to build a fence and gravel 50 to 60 feet from the road. He will put up a sign, put up a 6 foot tall fence all enclosed. The dimensions of the lot would 400 foot oblong. Ed and Charlene had questions about the tow yard and David also asked about lighting. Andy brought up #13.04 of the Linn County Zoning Regulation that lists minimum requirements for such uses. The ones that apply as conditions are:

(A) The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a fence or wall. The fence or wall shall be of uniform height (at least six (6) feet high), uniform texture color shall be so maintained, by the proprietor, as to insure maximum safety to the public and preserve the general welfare of the neighborhood. The fence or wall must provide a visual screen from all adjoining property and shall be installed in such a manner as to retain all scrap, junk or other material within the yard. For the purpose of visual screening, dense evergreen foliage may be substituted if they are maintained in good condition.

(B) No junk shall be loaded, unloaded or otherwise placed, either temporarily or permanently outside the enclosing building, hedge, fence or wall, or within the public right-of-way.

(C) Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the fire department and Governing Body. Said burning, when permitted, shall be done during daylight hours only.

Jeremy addressed these items in his submitted documents. Jeremy also addressed anti-freeze, oil contained and where put that stuff – 500 gallon tank. Richard, Charlene & Jackie all asked about the septic tanks. Richard asked Andy what Golden vs City of Overland Park and Andy briefly went thru the case regarding findings. Fred asked if any of Jeremy's neighbors had any complaints, Andy and Jeremy both stated they had not received any complaints or concerns.

Ed Anderson made the motion to grant the Conditional Use Permit with the conditions listed in the zoning regulation and taking care of gasoline and oil from the vehicles.

(D) Oil, gas and anti-freeze shall be contained in tanks and then, properly disposed of.

Richard Morrell 2nd the motion.

Discussion: Charlene Sims read thru the Golden findings and the ones that apply. They are:

- (A) Character of the neighborhood;
- (B) The zoning and uses of properties nearby;
- (C) The suitability of the subject property to its present use;
- (D) The extent to which removal of the present zoning will detrimentally affect nearby property;
- (E) The recommendations of the County's permanent or professional staff; and
- (F) The conformance of the requested zoning change to the adopted Linn County Comprehensive Plan.

Andy stated that if approved, the County Commission will hear this case on May 3rd. Richard stated he felt Jeremy addressed A thru D in his submitted application. It should then be conditioned that he operate this use as proposed in submitted plans and documents.

After discussion motion passed unanimously.

GENERAL DISCUSSION

Andy Mayhugh handed out information on the comp plan update, steering committee. No Update since David Berglund talked about it 6 weeks ago.

Jackie Messer said District 2 has 1 spot opening.

David Berglund asked to adjourn meeting. George Teagarden made the motion to adjourn, Richard Morrell 2nd. Motion approved. Meeting adjourned at 7:30 p.m.

**Minutes of the
Linn County Planning Commission and Board of Zoning Appeals
May 11th, 2021, 7:00 PM**

In attendance were Chairman Berglund, Vice-chair Richard Morrell, Commissioners Charlene Sims, Tate West, Fred Kautt, and Ed Anderson.

Also in attendance – David Ungeheuer and Hal Aggers.

Chairman Called the meeting to order at 7:00.

Fred Kautt led the flag salute.

Ed Anderson made a motion to approve the minutes of the April meeting as presented. Richard Morrell seconded the motion. Motion passed 6-0.

Case #Z21-01 Ungeheuer – An application for a change in Zoning from the A District to the A/R District.

Dave called the case and ask the applicant to explain his request. David explained he wished to create a lot approximately 4 or so acres in size which would include his mothers house for either sale or give away or something. He did not wish to make the lot the required 10 acres to conform with the minimum lot size of the A Zone as it would take too much land out of contiguous pasture. He would rather follow the existing fences near the home to make it as simple as possible. The Planning Commission ask several relevant questions regarding existing land use, wastewater system and future plans for the property. The board then ask for the Staff Report. Andy read his prepared report which mentioned that no new dwellings were proposed at this time, the road the proposed lot fronts on is a blacktop and there are numerous dwellings in the general area. Also, there are 2 lots under 10 acres just down the road to the West. Staff recommended approval of the application and listed his finding as:

- 1) The proposed change conforms to the character of the neighborhood,
- 2) A/R Zoning already exists in the area,
- 3) The proposed change will not negatively affect nearby properties, and
- 4) The proposed change conforms to the adopted Comprehensive Plan.

(Page 2 minutes)

Richard ask about the letter received in the case. After board and staff discussion, it was concluded that it was more of a family issue and is not necessarily points that the Planning Commission should be considering as relevant to land use changes.

Chair ask for a motion. Tate made a motion to adopt the staff findings and recommend approval of Case Z21-01. Ed 2nd the motion. Motion passed 6-0.

Charlene made a motion to adjourn the meeting as the Planning Commission and immediately reconvene as the Board of Zoning Appeals. Dave 2nd the motion. Motion passed 6-0.

Chair called **Case #E21-01 – An application for an Exception as provided in Article 17.04(2) of the Linn County Zoning Regulation.**

J Taylor (applicant) was not present. The BZA questioned staff regarding the case and it was briefly discussed however, the applicant needs to present the case. Charlene said that in the past when no one was present, we usually denied the case. Staff recommend that they table until next meeting as if they deny it, it will need to be republished. After discussion, Charlene made a motion to table the application until next months meeting. Motion passed 4-1-1 (Tate Abstained).

Tate then decided to call the applicant and see where she was. She said she would be there in just a few minutes. With the applicant on the way Charlene rescinded her motion. The board then took a 10-minute recess.

George Teagarden arrived at the meeting.

After 10 minutes and with the applicant present, Chairman recalled the case and ask for a presentation from the applicant.

Mrs. Taylor explained her hardship with both her parents' health and travel distances that she currently has to deal with. She had thought about putting them in her house but that is not feasible, and they want their own space. The best option is a separate living space and as provided in the regulation will install a manufactured home subject to the three (3) conditions listed in the regulation.

She also added that perhaps this should be a permitted use on large lot properties for caregivers.

After discussion, the Charlene motioned to approve application #E21-01 conditioned as provided in the regulation. Fred 2nd the motion. Motion passed 7-0

Charlene moved to adjourn. Tate 2nd the motion. Motion passed 7-0

June 8th 2021 Meeting Minutes

Members Present:: Ed Anderson, Fred Kautt, Melanie Staton

Board Members absent: David Berglund, Richard Morrell, George Teagarden, Charlene Sims

Also Present: Andy Mayhugh, Planning & Zoning Director, Tammy Grimes, Secretary, Shaun West, New Planning & Zoning Director

The meeting was to be called to order at 7 o'clock, and since we didn't have enough members to hold the meeting the meeting didn't take place. Andy let everyone know at 7:10 that he made attempts to call the members of the board and no answers.

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

July 13th 2021, 7:00 PM

In attendance were Chairman Berglund, Vice-Chair Richard Morrell, Commissioners Fred Kautt, Melanie Staton, George Teagarden, Ed Anderson, Tammy Grimes – Secretary

Also Present: Shaun West Planning and Zoning Director, Bobby Young new Planning and Zoning Director

Chairman called the meeting to order at 7:00

Fred Kautt led the flag salute

There wasn't any minutes from previous month's meeting since there wasn't enough for a quorum

NEW BUSINESS

- 1) Case CUP#21-02- Application for conditional use permit located to install and operate an automobile storage yard in Pleasanton by David Saker.

Greg Schick of Golden Arrow Corp owns the property of which David Saker is wanting to put a tow lot on and call it Dave's Towing and Recovery, the property is on Old 69 highway on Tucker Road on just North of the New Health Department. David will operate it and manage it. David stated he had pans to put under the vehicles to catch all of the liquids from the vehicles. They will haul in wrecked or broken down cars and Semi trucks. They stated these vehicles wouldn't sit there and longer than 3 to 10 days at the longest. David also stated that if a vehicle comes in and the person doesn't have insurance then they sit anywhere from 30 to 90 days and then they are hauled off to the crusher. David also stated he would be putting screening around so you can't see in and a 6 foot fence around it and this is just a temp yard for vehicles and not a permanent place for the vehicles to be stored at.

The discussion was as follows:

Melanie Staton is worried how this will make Pleasanton look from the Highway as 69 Highway sits up high and she is wanting to see Pleasanton grow.

Theresa Whitaker with the City of Pleasanton said that lot is to be annexed and overlay, Buffer Zone. Theresa also wants the property to look nice and she is also researching places to locate the proposed tow yard. She also stated David has started putting up the fence and it hasn't even been voted on or approved.

Greg Schick, Land Owner, his intentions are to make the property look nice and follow the codes rules and instructions. The property is 3.55 acres (Special Use Permit)

Dave Berglund asked Theresa Whitaker where the Admin to the Pleasanton Planning and Zoning was at tonight. He felt they should have been there also. Theresa stated she was the Admin.

Shaun West stated he didn't know they were annexing the property and he also didn't know about the Buffer Zones till tonight.

Mike Frisbee, Mayor of Pleasanton, said they are trying to clean up the residential area out and around where the property is located.

Dave Berglund mentioned Tucker Road wasn't residential area.

Sandy with Pleasanton Codes Department said they have been giving citations for people not meeting codes in that area and people not keeping their places nice.

Bobby Young, New Mound City Planning and Zoning Director, asked Greg Schick and David Sake if the water issue was taking care towards their property. David replied yes since there hasn't been any rain and it is dry as a bone. Bobby stated the water issue that was the complaint it was actually water coming from the near by guttering not from someone washing the big trucks.

Greg Schick also stated his future plans around the Tow and Recovery lot is to make apartment complex's as he has been driving around Pleasanton and there isn't much as far as nice places for people to move in and live. He said this would be a 2 to 3 year project and he would make it look nice with nice landscaping, he also stated he has rental property in Fort Scott as well.

Shaun West recommended the 3.5 acres, Tucker & US 69, that they delay the decision for the Tow and Recovery yard till next month. He also asked for a recommendation and consideration from Pleasanton Planning and Zoning, City of Pleasanton, and business owners and himself and Bobby Young to meet and talk about the options for the tow yard. Shaun stated he will follow thru and see it thru to the end.

Ed made the motion it would be in the best interest for all parties to get together and come to an agreement.

Theresa also stated she doesn't have a problem with the tow yard as long as you can't see the cars from the highway and streets.

Ed Anderson made the motion to delay 30 days to get all information and legal advice and photographs

Fred Kautt 2nd it

David Berglund adjourned the meeting at 8:05 PM

Minutes of Linn County Planning Commission & Board of Zoning Appeals

August 10,2021

In attendance were Chairman Berglund, Vice-Chair Richard Morrell
Commissioners Fred Kautt, Ed Andersen, George Teagarden,

Absent was Charlene Sims and Melanie Staton

Also Present: Shaun West, Planning & Zoning Director, Bobby Young, New Planning and Zoning Director and Tammy Grimes Secretary

Chairman called the meeting to order at 7:15

Fred Kautt led the flag salute

The minutes from the July meeting needed a few corrections as the date was June and not July and a motion was made from July meeting needed to be changed from Richard to Ed. Secretary will make those corrections

Shaun West spoke of specifications for the tow yard, Resolution 97-14. Shaun also read 13-04A, 2018 lot split due to 69 road, Shaun answered all questions from last meeting and he mentioned he met in Pleasanton Planning & Zoning and City Council.

David Saker mentioned he would like to stay on Tucker Road in Pleasanton (13-04AD, P&Z guidelines. Greg, owner of Arrow Property, mentioned again he is working with David Saker. Greg Schicke brought pictures to show how the tow yard would sorta look. Greg mentioned he had been trying to reach the City Manager of Pleasanton but that person has yet to call him back.

Line of Sight – It was brought up would like to see pictures from the highway of the proposed tow yard. Fred Kautt mentioned he would like to see pictures from the highway to see if can see the cars in the tow yard, Greg Schicke had some pictures he brought. Richard Morrell was trying to remember of any other concerns from Pleasanton of why they didn't want the tow yard business.

It was also mentioned there was another piece of property in the Industrial Park but Greg's real concerns about that property was Safety, Visibly and Security if they were to move to the Industrial park from where they are wanting to put the yard on Tucker Road. Greg and David won't abandon the idea. David Saker also mentioned he would have roll off's sitting there also in the fenced in area and he said they would stay there till the Landfill opens daily, except for wkends and then he would go to the Landfill first then on Monday.

Dave Berglund asked about the growth of the tow yard, would it be permanent, be there for long term or short term? He also asked, Do you plan to expand in the next 5 to 10 years?

Richard Morrell also mentioned "Eye Sore" from Pleasanton and the County, he also mentioned he hoped they can understand their concerns of the tow yard.

Greg Schicke mentioned David Saker would be paying him \$150 a month for the use of the property on Tucker Road.

David Berglund, asked about a Temporary Use Permit for 5 years and then after the 5 years David and Greg would come back and ask to renew the Permit for another 5 years, would they be willing to do that?

Greg Schicke also showed pictures of a tow lot in Pleasanton and this tow lot is what gives all tow lots a bad name, he assured the Committee their tow lot wouldn't look like the other tow yard.

Richard Morrell suggested giving them a month to get this resolved between them and Pleasanton. Greg said he made calls and drove up to Pleasanton and he didn't get any reply back. Richard's concerns are: View, Do a Temporary Permit. David Berglund is okay with a 5 year Temporary Use Permit.

Richard Morrell put on the Table for a 5 year Temporary Use Permit.

George Teargarden 2nd it.

Shaun mentioned his findings and terms: They are as follows, 8 of them:

- Characteristics
- Zoning
- Suitable of Population
- Effect nearby Population
- Length of Vacancy
- Health/Safety/Welfare
- Permanent/Staffing
- County Comprehensive Plan

There were 4 in favor. Dave Berglund said See ya in 5 years.

Shaun mentioned he would take this in from of the Commissioners in two weeks and would get back with David and Greg.

Shaun West brought up Mother in Law Cabins/Garden Apartments, Temporary moveable cabins. Shaun said Planning and Zoning needs clarification and guidance on

them as they are seeing more and more wanting to put these on properties around the county.

Definition of a Garden Apartment – 2nd living quarters, not primary residence.

Shaun and Bobby will work on the exceptions and will put in book, give Conditional Use Permit, address in the Comp Plan. Richard Morrell said Garden Apartments goes under exceptions. The Planning and Zoning Committee will meet with the Commissioners.

Lakes – The lakes have to go inside with the County as well.

Cell Towers in the County use Conditional Use Permits in the County, Free Standing Towers.

Richard Morrell made the Motion to Adjourn the Meeting/

Fred Kautt 2nd the motion.

Meeting was adjourned

The next meeting will be September 14th 2021

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

September 14th, 2021, 7:00 PM

In attendance were Chairman Berglund, Vice-Chair Richard Morrell, Commissioners Fred Kautt, Ed Anderson, Paul Porter, Morgan Northcutt – interim Secretary

Also Present: Shaun West Planning and Zoning Director, Bobby Young new Planning and Zoning Director

Chairman called the meeting to order at 7:00

Fred Kautt led the flag salute

Charlene Simms motioned to approved last weeks minutes. Paul Porter Seconded the motion

NEW BUSINESS

- 1) Bobby young presented a new zoning application for William Fields to do a one time split off his AG land of 10 acres. Wants to split off 3 Acres to sell to an interested gentleman. On these 3 acres there have been no improvements made on property. The following restrictions apply:
 - a. Grain bins stay with original owner on the remaining acreage
 - b. There will be a shared easement on the driveway

Bobby Young stated that 3 acres is plenty for septic.

Edwin Anderson motioned to go forward with staff report findings and sale of the 3 acres. Charlene Simms seconded the motion. Unanimous Approvals

OLD BUISNESS:

- 2) Case CUP#21-02- Application for conditional use permit located to install and operate an automobile storage yard in Pleasanton by David Saker.
- 3) Shaun West presented that the Linn County Commissioners voted to send back the CUP for new recommendations.

Greg Schick approached the stand

David Berglund asked if the building was going to be placed inside the fence

Greg Schick answered yes, the building will be placed inside the fence to where a semi-truck would be able to be parked inside. The building would be 40 X 60 in size.

Charlene Simms noted for the primary requirements 10.04.

Greg Left the Stand and Teresa Whitaker approached stand.

Theresa Whitaker stated that the city of Pleasanton would like to see a clay berm put into place for the mature trees. The city is also concerned that it will look too much like a tow lot (aesthetic appearance concerns). They also want the following:

- a.) Clay Berm
- b.) Signage
- c.) Proper Lighting
- d.) Cameras/ Security

David Berglund questioned Theresa Whitaker about the berm. How do you propose to take care of the water when it rains, and the water stays put with no runoffs? No answer was given. Clay berm was denied.

Greg Schick approached stand and noted that he is a Civil Engineer and that as the property owner he is ultimately responsible for it.

David Berglund asked Greg if he is agreeable to landscaping and screening on the fence

Richard Morrell said that the building mitigates that issue.

There was question to when the building project was expected to be a finished product. It was proposed at the end of 2021 that it would be complete with the building closest to the highway.

The final CUP #21-02 resolution is as follows:

- 1.) No junk shall be loaded inside or outside of the fence

- 2.) There will be no burning on the property
- 3.) The property shall be kept in a presentable manner; mowing & weed eating will be kept up.
- 4.) Security lighting shall be always focused on the tow lot
- 5.) There will be gravel throughout property
- 6.) All wrecked and incomplete vehicles must be stored inside the building
- 7.) Will have a 40 X 60 Minimum building completed within 6 months
- 8.) Building will be bult on east side of the fenced in area closest to the highway

David Berglund mentioned to pass the 5-year temp agreement renewable upon new governing body. Fred Kraut Second the Motion. Unanimously approved

David Berglund adjourned the meeting at 8:30 PM

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

October 12th , 2021 at 7:00 PM

In attendance were Chairman Berglund, Vice-Chair Richard Morrell, Commissioners Fred Kautt, Ed Anderson, Paul Porter, Charlene Sims, Mike White, Paul Porter Melanie Staton, George Teagarden, and Morgan Northcutt – interim Secretary.

Also Present: Bobby Young Planning and Zoning Director.

Chairman Berglund called the meeting to order at 7:00.

Fred Kautt led the Pledge of Allegiance to begin the meeting.

The Chairman Berglund presented the minutes from the September 14th, 2021, meeting for approval. After addressing some misspellings for correction, a motion was made and seconded for approval, pending corrections. Acceptance was voted upon and passed unanimously.

NEW BUSINESS

- 1) Bobby Young brought to attention that since publishing and sending out notices on the case hearings for this meeting, he discovered that the case numbers that some of the case numbers that had been published, previously existed and therefore to prevent any further delay, he desired that notification of correction from what was published to what is being presented only altered by record keeping numbers.
- 2) Bobby Young announced case # CUP 21-03, which is for a Conditional Use Permit Application for a renewal of an existing CUP for the operation of a Quarry with Asphalt and/or Concrete Plant, for Mid-States Materials, LLC. To be located at: 23202 E 2400 Road LaCygne, Kansas 66040.

Rich Eckert (Representative for Applicant), gave his presentation for the case. Discussion concerning the noticeable difference of the Quarry's operations prior to and after Mid-States Materials acquisitions of the Quarries ensued, along with improved compliance and improvements, between Board members and Mr. Rich Eckert. After discussion, a motion to approve CUP 21 – 03 for a 10-year period upon continued compliance with Environmental Protection Agency (EPA), Kansas Department of Health and

Environment (KDHE), all applicable regulations governing such mining operations within Linn County, Kansas as presented by staff findings. This motion was seconded by Mike White. Unanimous 9 to 0 vote for approval to include finding as presented by staff for 10-year period.

- 3) Bobby Young announced case # CUP 21-04, which is for a renewal of an existing CUP for the operation of a Quarry for Mid-States Materials, LLC upon a portion of adjacent property rented from Kansas City Youth for Christ, as an extension of the Quarry operations from CUP 21 – 03. To be located at: 22724 E 2400 Road LaCygne, Kansas 66040.

This was also presented by Mr. Rich Eckert. With no further discussion, Richard Morrell made motion to approve as presented with findings as recorded in CUP 21-03. Mike White seconded. No further discussion, unanimous 9 to 0 vote for approval to include findings as presented by staff for 10-year period.

- 4) Bobby Young announced case # CUP 21-05, which is a Conditional Use Permit Application for the construction and operation of a 250-foot tall, Self-supporting Communications Tower, with a 12-foot Lightning Rod, and a 100-foot by 100-foot equipment compound. This would be located upon property located at: 22240 Kansas Highway 152 LaCygne, Kansas 66040. Mr. Young further stated that phone calls and letters of opposition were received concerning this case.

Steven Ward (Applicant Representative), along with Glenda Cafer (Attorney) presented their application. This CUP will enhance effective communications along the 69 Highway corridor as well as being part of the “First Net System”, which is a nationwide communication system for emergency services for Law Enforcement, Fire, and 1st Responders, system to be operated by AT&T, and that their application is compliant to Linn County Regulations, it would be located at the bottom of the hill, and closest house is located 900 feet from proposed tower.

Discussion was opened, Mr. Mark Campbell (nearby property owner), spoke in opposition of this CUP stating that there are already 2 to 3 towers in the general area as you drive down US 69 Highway, it would further hamper the scenic view, and tower lighting was a concern. Christopher Sevedge (Attorney), representing SBA Communications, spoke in opposition to this CUP stating that currently there is a tower, owned by SBA Communications,

which is located approximately 3,733 feet, at an angle of 323.03 degrees South of the proposed location for this CUP. Mr. Sevedge did not state if any inquiry or negotiations had occurred concerning the use of this nearby tower. Charlene Sims inquired as to what companies would be attached to this proposed new tower. The response to this question was that information is covered under K.S.A. 66-2019 and could not be used to determine a decision. Chairman Berglund stated that he is also aware that there are multiple existing towers, one on the east side of US 69 Highway and another near Linn Valley, Kansas. Charlene Sims motions to table CUP 21-05 until a conference with County Councilor on subject of K.S.A. 66-2019 and better understanding of such. Richard Morrell seconded the motion. Vote 9 to 0 in favor of tabling. Case tabled until next meeting.

- 5) Bobby Young announced case # CUP 21-06, which is a Conditional Use Permit Application for the construction and operation of a 320-foot, Guyed Communications Tower, with 12-foot lightning rod and a 100-foot by 100-foot equipment compound. This would be located upon property located at 6638 Tucker Road Pleasanton, Kansas 66075.

Steven Ward (Applicant Representative) presented their application. Mr. Ward was questioned if the 10,000 sq. foot compound would be fenced, and his response was that a portion of it would be.

Bobby Young asked, what the difference was between a "Self-supporting" tower, as opposed to a "Guyed" tower. Mr. Ward explained that a "Guyed" tower will have guide wires to support stabilization of the tower and are used on towers above 300 feet or more and a "Self-supporting" tower are three legged towers that are 300 feet or less in height.

Ron Scalora, nearby resident spoke in opposition, stating that there was already an existing tower nearby, why couldn't that one be used? Mr. Ward again referenced K.S.A. 66-2019. Charlene Sims made a motion to tentatively table this CUP, until such time as a conference with the County Councilor has taken place. Richard Morrell seconded the motion. Vote 9 to 0 in favor of tabling. Case tabled until next meeting.

OLD BUISNESS: None

David Berglund adjourned the meeting at 8:29 PM

RE-CONVEANED AS Board of Appeals at 8:30 P.M.

1) Bobby Young presented case # E 21-02, which is an application for an Exception to Zoning Regulations, Article 12.06 One Dwelling Per Lot, under Article 17.04 Exceptions. Application is made by co-applicants, John & Julia Smith (property owners) and Falon & John Peek. Application concerns the property located at 21060 E 1350 Road Pleasanton, Kansas 66075. Staff reports that all conditions for an allowable exception have been met in accordance with Article 17.04, location is suitable for such exception, and use will not be detrimental to surrounding properties. Staff recommended approval of exception for three-year period, in accordance with Article 17.04, 2(b), and that building, and sanitation permits be obtained. There was nothing presented in opposition. With no further discussion, Charlene Sims made motion to accept application with staff's finding. Melanie Staton seconded. Vote 9 to 0 in favor of approval, Exception passed.

With nothing further on the agenda David Berglund adjourned the meeting at 8:45 P.M.

Minutes of Linn County Planning Commission & Board of Zoning Appeals

November 9th, 2021

In attendance were Chairman Berglund, Vice-Chair Richard Morrell

Board members: Fred Kautt, Charlene Sims, George Teagarden, Paul Porter and Mike White

Absent was Melanie Staton, Edwin Anderson, and Secretary Tammy Grimes

Also Present: Planning & Zoning Director Bobby Young

Chairman called the meeting to order at 7:00 p.m.

Fred Kautt led the flag salute

The minutes from the previous meeting were approved. George Teagarden made the motion to approve them. Mike White 2nd them, all agreed.

New Business:

Bobby Young spoke about three Conditional Use Permits that needed reviewed.

C.U.P. #2107 RB Towing LLC, Conditional Use Permit. Ron Brown wants to put in a Semi towing yard. He is wanting to put up three buildings total. Right now, he wants to just put up a 30x40 building to do his work as he was in the old Cox Building, and they have sold that building so he needs to start his building so he can work. He is wanting to put his Tow Company South of Fab-Con, located in the Industrial Park in Pleasanton. The location would be 9215 Thomas Road, Pleasanton Ks, on 10.2 acres. He will put up block wall as he will not be putting up a chain link fence or screen as it does not last. Ron will do service on cars and Diesels plus be a tow yard.

Mr. Berglund and Mr. Young have talked and would like to know where the buildings will be, Ron Brown is unsure where buildings will sit, he is unsure if get a permit and if he does, he can draw up plans. Charlene Sims said per rules need plan, Dave Berglund said an outline and a plan, Dave Berglund is unsure where water comes in. Mr. Berglund said probably be Rural Water #2 would be the supplier. Mr. Brown would need to get plans and such to Mr. Young. Charlene

Sims likes the idea of it but before can approve will need Conditional Use Permit, need plans, Ron Brown will bring information back into Mr. Young.

C.U.P. #2108 J Duncum LLC, roll off Trash Station & Scrap Recycling Yard to be located at 9569 West 1800 Road, Parker Ks.

Jared Duncum talked about people will not rent two dumpsters when cleaning out houses, when he goes to local landfill, they look at it and make sure he can dump debris, he is now sorting his stuff before going to local landfill. Mike White asked if would be super small scale and eventfully have buildings? Ron Brown has two water meters already, has eighty acres but only wants to use 1 to 5 acres.

Evelyn Zimmerman Pain was in person, and she is totally against this idea as her father owns acres around this property Ron Brown is wanting to use. Her father's property is part of three generations, and it is near and dear to her.

Bobby Young had three letters sent to him plus one email and they are all against this idea where Ron Brown is wanting to locate. The letters all stated that the road is very narrow, and they all worry about rodents. If approved, the County would need to widen the road as it is very narrow and hard to get big trucks and cars down the road at the same time. There is no Conceptual Plan, so there will need to be a Conceptual Plan also. Ron Brown is to work with Jessica Hightower, Economic Director, to find a more suitable location for proposed use of land.

Mr. Young's main concern, page 144 of our book, Agricultural and Conservation-not much development in that area. Mr. Young went and checked road, flood plan and roads might flood that land it is on. Dave Berglund suggested Engineering Study of that Area, Environmental & Financial Impact. Richard Morrell motion to table, Charlene Sims 2nd. All agreed. Mr. Young said New Application for a new location will need to be completed, and that he would apply the fees to new application, if applicant chose to withdraw current application for CUP.

C.U.P. #2109- RV, Boat, & Camper Storage Lot. Thomas Hawbaker Located at 7121 KS 7 Highway. Mr. Hawbaker has thirty-eight acres, but he would not be using the full thirty-eight acres as he also lives on this property. This property is located near Sugar Valley Lake, he would have a 5-wire fence, Agricultural fence, eight lights and flood lights would be installed. He is wanting to build a 120-foot

building, twenty stalls. Mr. Hawbaker would also put it back enough to keep the dust from the Sugar Valley Lake entrance since it is dirt road. Thomas Hawbaker would have to get access from KS 7 from KDOT as he has talked to Sugar Valley Lake Manager and they are not in agree to letting this come off their gravel road for the entrance to the Storage Lot. Kevin Griner was in person, and he is opposing this as his concerns are ATV's running around and what about people that abandon their boats and RV's and Camper's. Dave Berglund asked what would happen is someone does not pay for their storage, or they abandon the items. Thomas Hawbaker stated he would put a lien on the property and the property would go back to the bank that has the lien, and he would have contracts in place. Mr. Young has one phone call and three emails from people close by that are not in favor. Their concerns were: due to more traffic on that highway and there is a curve on the road where Storage Lot would be located, property value would go down and more crime in the area.

Bobby Young's findings: Agricultural & Residential Area, he posted in paper, sent letters to neighbors close by. This idea of a RV, Boat, Camper Storage Lot does fit in the neighborhood and property will remain as zoned, the staff approves. Charlene Sims said get with the State and get a Conceptual Plan in plan. Charlene made the motion to table, Richard Morrell 2nd. Agreed. Richard Morrell is for it and is a suitable location and he stated would be hard to see from highway. Richard stated work out the details and come back, the Conditional Use Permit still will be open, bring a diagram and what material would be used.

Old Business:

Bobby Young spoke of two C.U.P.'s that were tabled from last discussion. Mr. Young was contacted on 11.9.21 by Linn County Counselor, Gary Thompson, that the Attorney's are still having discussions & so forth. All parties have agreed to continue to table the discussions with the board to next regular meeting on December 14th, 2021, if agreeable with the board. Richard Morrell moved for approval to postpone till next months meeting. Paul Porter 2nd. Comprehensive Plan will be coming to the December 14th, 2021, Meeting.

The following C.U.P.'s are still tabled: #2105, #2106, They are rescheduled for the December 14th, 2021, meeting.

Meeting adjourned at 9:00 p.m., Dave Berglund said all in favor stand up.

The next meeting will be December 14th, 2021.

David Berglund - Chairman

Attest:

Secretary

Date

Minutes of Linn County Planning Commission & Board of Zoning Appeals

December 14, 2021

In attendance were Chairman Berglund, Vice-Chair Richard Morrell

Commissioners Fred Kautt, Charlene Sims, Mike White, Paul Porter, Edward Andersen, George Teagarden

Absent was Melanie Staton

Also absent was Tammy Grimes – Secretary

Also Present was Bobby Young Planning & Zoning Director, Gary Thompson County Councilor

Chairman Berglund called the meeting to order at 7:00 p.m.

Fred Kautt led the flag salute

The minutes from the November meeting were approved

The Planning and Zoning Commission immediately went into Executive Session for 15 minutes then they went back for additional 10 minutes into Executive Session.

CUP#2108 – Bobby Young stated they rescinded their application in and is now collaborating with the Economic Development Director for a more suitable place.

CUP#2107 – Holding till January 11th, 2022, meeting as the party is out of town and could not make it.

Mr. Berglund asked Bobby Young which CUP he wanted to start with?

CUP#2105 Communication Towers

Linda Shaffer – Applicate Talked about Standards and Ordinance Applicable to the County Right of Ways & Private Land. She spoke for Harmony since they could not make it.

Steve Ward with Ward Development was there for any questions the board might have.

Christopher Sevedge with Stinson Law Firm in KC spoke about both towers, he reported they had both been updated/upgraded since 2015 & 2018- AT&T use. He also handed out a map showing the current towers, and the usages and strengths of both towers. He also provided data of the proposed tower. The towers are referenced as the one in Pleasanton and in LaCygne. Edward Andersen asked how tall the tower is in LaCygne? Response was that the tower will be taller than hill for like in Linn Valley Lakes & such. Charlene asked, “who is responsible to take tower down?” Response was, “Harmony’s.” The question, “how about the lights on the tower,” was asked. The response was, “the lights on the tower would be slow red at night and strobe during the day.”

CUP#2106- Zoned as Agricultural Residential and zoned as Agricultural

#CUP2105- Staff Findings

Bobby Young recommended approval of these two CUP's. Bobby said they are zoned as Agricultural and Agricultural with Residences and will remain as currently zoned.

Recommendation Conditions for both CUP 21-05 & 21-06:

1. Constructed as proposed on submitted plans and documents, with a minimum of a 1:1 ratio of height to distance from other property lines.
2. That all utilities necessary for operation be located within easement for ingress / egress and leased property.
3. Towers shall conform to any and all FAA requirements for lighting; with proper lighting working in unison with near-by towers.
4. Compound is properly fenced with proper signage on fence or in any other approved location for emergency contact.
5. Provide space for Linn County to utilize tower provided that county would assume cost for installation and maintenance of county equipment.
6. Copy of any final inspection and future inspections be delivered to the Linn County Planning and Zoning Office.
7. Harmoni Towers shall be responsible for the disassembly of the towers involved with CUP 21-05 and CUP 21-06, upon decommissioning of towers.

Richard Morrell made a motion to approve both C.U.P.# 21-05 and 21-06, adopting staff findings and recommendations

Ed Andersen seconded,

Gary Thompson, County Councilor, said by approving this it will go to the Commissioners in 20 days which is January 3rd, 2022.

Motion was Approved by a vote of 5 (for) to 3 (against).

CUP#2109 Application & Conditional Use – Thomas Hawbaker, Camper Storage

What Mr. Hawbaker found out was that the lake will not allow an entrance from their road. He also spoke with the Highway Department, Shaun Denny, and they will not put another entrance to the property. Thomas will have to use the entrance to his house. Thomas said the road will curve to the South into the pasture, his personal driveway goes North to the house. Thomas will have to widen and add an extension to his culvert and that will be at his cost. The Camper, RV, Boat Storage will have barbed wire fence around, he handed out pictures of the drawing so the

board knows how it will look, this is phase 1 & 2. He said the frame will be wood and it will have a steel siding.

Phase 2 he will attach to Phase 1 Building. It will have gravel in stalls and around for the driveway, he will keep it well maintained. The Exterior lighting will be motion sensor downward lighting. Thomas will have a gate on the property, and he will be opening it in the mornings and then closing it in the evenings, he is hoping in the future to have like a key card for each person that is using his facility. The Contractor is Mask Builders/Eric Brooks, but Roy Wade is building it. He will also offer 6 month and 1-year contracts to all that is using his facility.

Staff's Findings: This CUP was first presented to the board back in October 20,2021 at which time it was tabled. Bobby Young, Planning & Zoning Director, had the hearing information published in the official county newspaper and mailed out over 100 notifications to local property owners. He only received 3 letters back from individuals that were against the CUP. Bobby said it is zoned Agricultural, off Highway 7, and it does fit due to the lake property being close. Bobby recommended the approval of the CUP.

After no discussion, Richard Morrell moved to approve CUP# 21-09 with adoption of staff findings and conditions of gravel, fencing, gate, and lighting, in accordance with Article 10.03 of Linn County Zoning Regulations.

Mike White Seconded it

Motion Passed

Charlene Sims added to the agenda that the County Commissioners wanted a nomination for the Comprehensive Plan Board. Charlene nominated Dave Berglund to be on it, due to his history of being involved with the Planning and Zoning Committee. Richard Morrell supports the idea of David Berglund in being involved and going to the Commission Meetings and coming back and reporting what is going on in the county and seconded the motion. By unanimous vote, Chairman David Berglund was nominated as a representative to the Comprehensive Plan Committee.

Fred Kautt said we need more young people involved, David said he went to the schools and talked to the Government classes teachers to see about getting more young people involved.

David Berglund asked for a Special Meeting with the Comprehensive Planning board. Bobby Young received some dates, all which have passed. Bobby Young suggested a date after the Holiday's for a Special Meeting with Comprehensive Planning Commission. It was determined to invite Jennifer Reinhardt, Kirk Skoogs, and Jessica Hightower to the next Planning and Zoning Meeting on January 11,2022 at 7:00 p.m.

With nothing else on the agenda, there was a motion to adjourn the meeting. With the motion seconded, it was approved by unanimous vote.

Meeting Adjourned at 8:52 p.m.

David Berglund - Chairman

Attest: _____
Tammy Grimes - Secretary