

FRANKLIN COUNTY PLANNING COMMISSION
PUBLIC MEETING MINUTES
6:30 P.M., JULY 16, 2020 AT THE
COUNTY COMMISSIONERS MEETING ROOM FRANKLIN COUNTY ANNEX

ATTENDANCE:

MEMBERS: M. Wilkins; L. Spencer, Chair; C. Campbell; J. Pickett and N. Mast were present. S. Valencia and R. Bowers were excused. D. Barkley was absent

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

COMMISSIONERS: None were present.

ADMINISTRATOR/CO COUNSELOR: None were present.

PUBLIC: One (1) person 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 July 16, 2020 Agenda. There were none. Chair asked for a motion. J. Pickett made a motion to accept the agenda as presented. C. Campbell seconded the motion. The Chair called for voice vote. All voted in favor. The agenda was approved 5-0 as presented.

APPROVAL OF MINUTES: Chair asked if there were any corrections to the June 18, 2020 Public Meeting Minutes. There were none. Chair asked for a motion. M. Wilkins made a motion to approve the minutes of the June 18, 2020 Public Meeting as written. The motion was seconded by N. Mast. The Chair called for voice vote. The minutes were approved 5-0 as written

COMMUNICATIONS: Staff stated the Planning Commission would be able to conduct the August meeting. The County Commissioners have gone back to conducting Zoom meetings but were told we can continue to hold our Public Hearings as usual as long as we continue with enforcing social distancing and masks.

EX PARTE COMMUNICATIONS: There were none.

PUBLIC MEETING ITEMS: The Chair opened Public Meeting Items.

1. *Application #2006-1765 (Hobbs), to rezone approximately 13.00 acres from A-1 (Agriculture) Zoning District to a R-E (Residential Estate) Zoning District. Said property is located at the intersection of US-59 Hwy. and Hamilton Road, on the East side of US-59 Hwy and on the South side of Hamilton Road, in the Northwest Quarter (NW ¼) of Section 12, Township 18 South, Range 19 East.*

Staff Presentation: The Chair opened Staff Presentation. Staff stated that the applicant is requesting to rezone approximately 13.00 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District. The property is located at the intersection of US-59 Highway and Hamilton Road, on the East side of US-59 Highway and on the South side of Hamilton Road, in the Northwest Quarter (NW ¼) of Section 12, Township 18 South, Range 19 East. The purpose for the rezoning is to permit the division of approximately 3.00 acres, to be added to an existing approximately 11.00 acre tract, with an existing residence and outbuildings. The rezoning is to also permit the division of approximately 10.00 acres, with an exiting residence and outbuildings, to be sold to a family member. The applicant would retain the remaining agricultural land for agricultural purposes. The remaining agricultural land would also be divided into an approximately 77.00 acre tract and an approximately 52.00 acre tract. The existing residences are already served with on-site water by Rural Water District #2 and both are served with existing on-site sanitation. This rezoning is being done in order to settle a family estate. The exhibits that are attached to your Staff Report best depict the boundaries of the newly created tracts. 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 as well as the provisions set forth in the Supreme Court case of Golden vs. the City of Overland Park. 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. This request also meets all of the minimum standards set forth in the Subdivision Regulations regarding lot length-to-width ratio, parcel size and frontage. After reviewing the character of the surrounding area and the policies of the Comprehensive Plan and the statute, K.S.A. 12-757A, which states that the rezoning is generally in compliance with the land use provisions of the Comprehensive Plan is deemed reasonable. Notice was given to nine (9) surrounding property owners. Staff did not receive any comments for or against this rezoning request. Therefore, Staff recommends that the Planning Commission adopt the attached draft resolution recommending approval of rezoning application #2006-1765 requesting to rezone approximately 13.00 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. Justin Hobbs, the applicant, was present. Mr. Hobbs stated his brother Jack Hobbs, 2758 Hamilton Road, was also present this evening. Mr. Hobbs had nothing further to add unless the Planning Commission had any questions. The Chair closed Applicant Presentation.

Public Comment: The Chair opened Public Comment. There were none. 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. C. Campbell made a motion to recommend approval of application #2006-1765 (Hobbs) to rezone approximately 13.00 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District as described by Chair and based on Staff recommendations and the findings as stated in the Staff Report. The motion was seconded by M. Wilkins. The Chair called for roll call vote.

		Spencer	Yes	Mast	Yes
Wilkins	Yes	Barkley	Absent	Campbell	Yes
Valencia	Excused	Bowers	Excused	Pickett	Yes

Motion carried 5-0.

2. *Application #2006-1766 (Bridges) for a variance to Chapter II, Article 8, Section 2 to the required setbacks for an existing lagoon. Said property is on the North side of Stafford Road approximately one-quarter (1/4) mile East of Texas Road, in the East 14 acres of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section 30, Township 15 South, Range 21 East.*

Staff Presentation: The Chair opened Staff Presentation. Staff stated that the applicant is requesting approval of a Variance to permit the continued use of an existing on-site wastewater stabilization pond, or lagoon, to serve the existing residence in a similar manner as the previous owner. The property is approximately 14.00 acres in size and is located on the North side of Stafford Road approximately one-quarter (1/4) mile East of Texas Road, in the East 14 acres of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section 30, Township 15 South, Range 21 East. On April 1, 2020 the County Planning Department received a copy of the deed conveying the subject property from the Eddie and Frances Winslow to William and Julie Bridges, and on February 18, 2020 the Franklin County Environmental Health Department sent notice to the Winslow's notifying them that the County Sanitation Code requires "Whenever any building or use requiring sanitation is connected to or is served by a private wastewater system and is offered for sale, including contract for deed, leasing or renting, the Seller shall have such system inspected by a licensed inspector licensed and approved by the Administering Agency (County)" as set forth in Chapter I, Article 4, Section 5. A site review conducted by the County Sanitarian noted the lagoon did not meet the minimum setbacks from property lines required by the Sanitation Code and that the existing septic tank is enclosed in a garage and is connected to the lagoon. The aerial photo attached as part of your Staff Report depicts what the current setbacks are of the existing lagoon, which do not meet the minimum standards, which is 100 feet from all property lines. One setback is only 45 feet from the property line and the other is only 85 feet. A review of the County records indicated that the lagoon was constructed to serve the existing residence back in 2000, however they never received a final operational permit. The new property owner has made an application for a new septic tank. The aerial photo attached as part of your Staff Report depicts approximately where the new septic tank would be located. Normally, previously existing uses, including on-site sanitation systems, are considered "grandfathered" provided they are operational or functional to serve the primary use for which they were originally constructed or intended. In this case, State and County Regulations have established certain minimum standards regarding the operation and installation of on-site sanitation systems due to the potential of health related issues. One of the criteria specifically required by the County Sanitation Code is the inspection of the existing on-site sanitation system at the time of the sale to ensure that the system is operating within the minimum adopted standards and that any operation problems are corrected. Staff has reviewed the Variance request and does agree that this is the most favorable option available at this particular location based on the circumstances. Therefore, Staff does recommend that the Planning Commission approve the Variance subject to the one (1) condition that is part of the resolution. The Chair closed Staff Presentation.

Applicant Presentation: The Chair opened Applicant Presentation. William Bridges, the applicant, was present. Mr. Bridges stated that when they purchased the property they were informed that, at the time of the inspection, it was found that the lagoon was not in compliance with the current County Sanitation Code. He did talk with three (3) different backhoe companies and also Mike Schneiders, with Water Systems Engineering. Mr. Schneiders came out and conducted a soil test to see if the soils would allow for a leach system. The test showed that the soils would not allow for a leach system because there wasn't enough good soil for drainage. All three (3) backhoe operators have indicated that the existing lagoon is in very good shape and there have been no issues with the existing lagoon since it was constructed in 2000. Moving the lagoon to the required setbacks would be a financial hardship because they would have to dig a new lagoon and backfill the old one. The non-complying septic tank is being moved.

Staff stated that the new septic tank would reduce the amount of solids that would be going into the lagoon. Some of the elements associated with wastewater stabilization ponds, or lagoons, is being eliminated by the utilization of the septic tank prior to the solids reaching the lagoon system. The aerial photo attached as part of your Staff Report shows that there are quite a number of lagoons in this area because of the high clay content in the soils associated in this part of the County.

C. Campbell asked the applicant what the surrounding ground was being used for?

Mr. Bridges stated the surrounding ground is used for hay. The Chair closed Applicant Presentation.

Public Comment: The Chair opened Public Comment. There were none. 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. M. Wilkins made a motion to recommend approval of application #2006-1766 (Bridges) for a Variance to Chapter II, Article 8, Section 2 to the required setbacks for an existing lagoon as described by Chair and based on Staff recommendations and the findings as stated in the Staff Report and subject to the condition in the Resolution. The motion was seconded by N. Mast. The Chair called for roll call vote.

		Spencer	Yes	Mast	Yes
Wilkins	Yes	Barkley	Absent	Campbell	Yes
Valencia	Excused	Bowers	Excused	Pickett	Yes

Motion carried 5-0.

The Chair closed Public Meeting Items.

Staff stated that the decision of the Planning Commission is final unless there is an appeal within thirty (30) days. Unlike rezonings and special use permits, which have to go before the County Commissioners for final approval, this matter is finalized with the Planning Commission unless there is a protest petition filed with the District Court. Since there were no comments received from the public or surroundings property owners, the applicant is good to proceed with the improvements.

NON-PUBLIC MEETING ITEMS: The Chair opened Non-Public Meeting Items.

1. *Application #2007-1771, approval of a final plat of Hobbs Farm Subdivision, Hobbs, located at the intersection of US-59 Hwy. and Hamilton Road, on the East side of US-59 Hwy. and on the South side of Hamilton Road, in the Northwest Quarter (NW ¼) of Section 12, Township 18 South, Range 19 East.*

Staff Presentation: The Chair opened Staff Presentation. The applicant proposes to divide approximately 160.00 acres into four (4) lots. This property is located at the intersection of US-59 Hwy. and Hamilton Road, on the East side of US-59 Hwy. and on the South side of Hamilton Road, in the Northwest Quarter (NW ¼) of Section 12, Township 18 South, Range 19 East. Lot #1 would be 14.73 acres, Lot #2 would be 11.04 acres, Lot #3 would be 79.48 acres and Lot #4 would be 51.21 acres in size. Lots #1 & #2 have existing access onto Hamilton Road. Lot #3 could have access off US-59 Hwy. and Lot #4 could have access off Hamilton Road. The two (2) larger tracts would remain in agricultural use and in the agricultural zoning district. All lots meet the minimum standards required by the County Zoning and Subdivision Regulations, including lot size, lot frontage and lot length-to-width ratio. There are existing residences on Lots #1 and #2 that are currently served with on-site water and on-site sanitation. Since Lots #3 and #4 are over 20.00 acres in size, the County Comprehensive Plan doesn't require proof of water. Article 2, Section 6.01 of the County Subdivision Regulations permits the Planning Director to waive the Preliminary Plat for "small subdivision plats" consisting of not more than four (4) lots and where all lots have direct frontage onto a County or State maintained road and no new roads are required or proposed. Therefore, the subdivision plat for Hobbs Farm has been filed as provided in Article 2, Section 6 of the County Subdivision Regulations. Public Notice is not required. Staff has reviewed the Final Plat for conformance with the County Comprehensive Plan, Zoning and Subdivision Regulations and finds the Final Plat to meet all of the criteria required for approval and filing. Staff recommends that the Planning Commission approve the Final Plat for Hobbs Farm Subdivision as submitted. The Planning Commission is the approving authority however, it would go before the County Commissioners to accept any easements or dedications that are set forth on the face of the plat. The Chair closed Staff Presentation.

Applicant Presentation: The Chair opened Application Presentation. Justin Hobbs, the applicant was present. Mr. Hobbs stated they would continue to operate the family farm as it has been since 1902. This subdivision is only being done to settle the family estate. The Chair closed Applicant Presentation.

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

The Chair asked for a motion. C. Campbell made a motion to recommend approval of application #2007-1771, approval of a final plat of Hobbs Farm Subdivision as presented by Staff. The motion was seconded by N. Mast. The Chair called for roll call vote.

		Spencer	Yes	Mast	Yes
Wilkins	Yes	Barkley	Absent	Campbell	Yes
Valencia	Excused	Bowers	Excused	Pickett	Yes

Motion carried 5-0.

The Chair closed Non-Public hearing Items.

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.

C. Campbell stated she heard on the radio that the County Commissioners held a Study Session over concerns about the shooting range on K-68 Highway.

Staff stated that the County Commissioners did hold a Study Session to discuss the shooting range that lasted approximately one and one-half (1-1/2) hours. There were a number of property owners to the North, which did receive notice of the Public Hearing before the Planning Commission, but didn't feel it was important for them to attend that meeting. There was a competition held there about three (3) weeks ago, on a Saturday, and some of their 68 members, participated in that match. There are 10 stations, 68 shooters shoot 10 rounds at each station, that makes 6,800 rounds shot throughout the day. The neighbors discussed safety issues and noise. The County does not have a noise ordinance, as discussed at the Planning Commission meeting, and noise was a matter that was discussed. The Planning Commission felt that the design of the range was in compliance with the NRA standards, which there is a condition requiring that it be in compliance with the NRA standards. The proposed berms would be adequate to protect the neighbors to the North because there is still the separation created by the Marias des Cygnes River and the railroad. Some of the neighbors with concerns were over a mile away from the site and some were even a mile away from the North end of the property. The end result was the County Commissioners found that the shooting range was in substantial compliance with the conditions that were sanctioned by the Planning Commission, as well as the County Commissioners as set forth in the resolution. If they weren't in compliance, then the County had the authority to bring back before the Planning Commission for modification or revocation. These competitions only happen a couple times a year. Staff and the County Sanitarian made a site inspection and found that the sanitation facilities were in good, clean and operational condition. Staff has never seen a rifle range this clean, it is grassed all the way down and the grass was mowed. The berms were up and in good shape. There weren't a lot of targets up because they had removed most of them. The applicant graveled the road system into the site and it has a locked gate, which you can't get around. Staff feels this is the best shooting range he has seen in a very long time. Again, the County Commissioners did find that the range was in substantial compliance.

Chair stated there was a packed audience during the Planning Commission meeting and everyone there was in favor of approving the Special Use Permit for the shooting range, there wasn't anyone there against the approval.

C. Campbell stated that there were a few in attendance that didn't speak so no way of knowing which was they were leaning. She recalled no one spoke up against the approval.

Staff stated that the neighbors that were in attendance at the County Commissioner Study Session stated that they received the notification of the Public Hearing but dismissed it. There was one that stated they didn't receive notice but that was because it went to the property owner, which happened to be that parties mother. Since the mother still owned the land, that is who we are required to notify. None of these people appeared at the Public Hearing. There was a condition in the resolution that stated that it has to be "certified" by the NRA. The NRA doesn't certify anything, they provide the minimum construction standards of what should be done but they won't certify the range. This condition was applied to another range that was approved several years ago because their attorney suggested that it be added as a condition. Staff should have been a little more cautious when using that condition again as to whether the NRA does certify these ranges or not. The range was constructed in accordance with the NRA requirements.

C. Campbell asked if that particular condition could be adjusted in the Special Use Permit?

Staff stated that it could be, however the County Commissioners didn't suggest that it be amended and it was accepted that they were in substantial compliance. The Chair closed General Board Discussion.

CALENDAR: The next Planning Commission Public Hearing meeting will be held **THURSDAY, AUGUST 20, 2020, at 6:30 p.m.** in the **COUNTY COMMISSIONERS MEETING ROOM IN THE ANNEX BUILDING.**

ADJOURNMENT: With no further business to discuss, N. Mast made a motion to adjourn. M. Wilkins seconded the motion. All voted in favor 5-0. The meeting was adjourned at 7:01 p.m.



Linda Spencer, Chair

Attest:



Larry D. Walrod, Planning Director