

MARION COUNTY PLANNING COMMISSION

February 24, 1994

Record of Proceedings

Item 1: Chairman Sieger called the meeting to order at 7:34 PM.

Item 2: Roll call was answered by Clark Wiebe, Marlin Janzen, Dorman Becker, W.M. Pierce, and Eileen Sieger. Sherwin Ammeter was present after roll call, Dean Fincham and Terril Eberhard were absent.

Chairman Sieger then asked for any off-agenda items. Herb Bartel indicated Lowell Unruh would be in at 8:30 PM to talk about housing for his son and his family who are coming from Colorado to help with the farming and caring for a family member who is ill.

Item 3: Minutes of the January 27, 1994 Meeting: Chairman Sieger asked for any additions or deletions. There were none. Marlin Janzen moved to approve the minutes as presented. Dorman Becker seconded. Vote was 5 - Yes, 0 - Opposed. Motion carried, minutes approved. Chairman Sieger then noted that the representative for Item 4 was not yet present and asked to switch Items 4 and 5.

Item 5: Conditional Use, Construction Shop, Sec 7-21-1 (Ron Dirksen): Herb Bartel indicated that there were two parts to this

application:

- 1: a Conditional Use to construct a building to be used as a construction shop in an AG district.
2. a setback Variance. The lot is not deep and the AG district has a 75 ft. setback.

Mr. Bartel then described the property as directly west of Goessel, next to Ratzlaff Drapery and referenced it on the maps.

Herb Bartel indicated that Section 7 is made up of many small ownerships. He then asked Ron Dirksen to explain his application, proposed use, setbacks that will work, etc.

Ron Dirksen, Goessel, indicated he has his own construction business and would like to have a construction shop at this location. He brought sketches showing the roadway being 64 ft, 34 of which is taken off his 130 ft frontage, then subtract a 40 ft x 70 ft building, leaving him a 28 to 30 ft setback. He explained he is considering buying an adjoining 60 ft x 130 ft piece of property that is to his west. He would like to buy it and put a driveway on the west.

Chairman Sieger asked if his current property was 130 ft x 135 ft. Dirksen indicated it was.

Mr. Bartel pointed out that the additional property has no building on it. Mr. Dirksen indicated that was right, and

that because that property goes up to the drapery factory, he would make it a driveway.

Chairman Sieger asked for clarification on the property in relationship to Main Street in Goessel. This was done.

Mr. Dirksen explains he plans are to add the building. Everything will be operated from within this building, his carpentry work, materials, etc. He has forms, ree-bar, etc. at the site which he has owned for several years. He has talked to Flamings and Hetts about the new building.

Chairman Sieger asked as to the type of construction he did.

Mr. Dirksen replied residential and some commercial.

Mr. Becker asked if he built, then moved them to a location.

Mr. Dirksen replied no, he did custom building.

Clark Wiebe asked if the property to the south was AG and was there a problem with setting the building further south.

Mr. Dirksen indicated he was hoping to put a door and drive on the south. If he gets the Voth property, he could move the building further back. His tentative plans are for a 12 ft overhead door on the south side as well as on the west. He

hopes to be able to drive around the building comfortably. He indicated it would be to his advantage to have as much room as possible on the south.

Chairman Sieger asked about the property around the location.

Mr. Dirksen explained that the surrounding owners and gave some dimensions in relationship to his property and the city limits.

Marlin Janzen asked about the setbacks for the drapery factory.

Mr. Bartel indicated they are close to the street.

Marlin Janzen observed that if they are not 75 ft either, then granting this variance would not alter the line in relationship to the other properties.

Mr. Bartel advised the PC that on this variance, there was a need to specify a front, rear, and side setback, it cannot be left open-ended. The PC asked for Mr. Dirksens' input.

Mr. Dirksen indicated he would like to see 30 ft on the back, and 28 ft on the north as his building is 40 ft x 70 ft.

Mr. Bartel explained that setbacks are currently 75 ft on the

front, 50 ft on the rear, and 50 ft on the side.

Clark Wiebe asked if there would be water and sewer extended to this property in the future and would he hook on to the city utilities at that point.

Mr. Dirksen indicated he would have to be annexed and he is not asking for that at this time.

Chairman Sieger asked if he would have any source of water.

Mr. Dirksen indicated he would like to dig a well for irrigation but had no plans for sewer at the present time.

Chairman Sieger asked how the drapery factory work their water and sewer.

Mr. Dirksen believed they have city water and a lagoon.

Clark Wiebe expressed concern on un-annexed tracts being self sufficient on water or sewer. He indicated he would like the PC to stipulate only city water and sewer would be allowed.

Mr. Dirksen asked if he did not have city water, would a well be OK. He indicated that at some later time, if not annexed, he might consider installing a holding tank and get it pumped. He has done this at his construction sites. He

asked if this would be acceptable.

Mr. Bartel answered that it was an alternative.

Mr. Dirksen indicated he was not bordering the City of Goessel so could not be annexed.

There followed discussion on distances and measurements of the road and right of way. It was determined that the road had ditches rather than curb and gutter. Also Mr. Pierce said if the road were ever to be improved and more right of way needed, Mr. Dirksen would have to be negotiated with or the needed property condemned because the county had designated the road as 64 ft.

Eileen Sieger had questions on stipulations for a sewer. Mr. Bartel indicate there were a lot of stipulations in the code, and that he would guess that no other kind of system but a holding tank would work here.

Mr. Dirksen indicated the Goessel city system is reaching it's maximum, so no more services were being offered without annexation.

Mr. Bartel asked Mr. Dirksen for confirmation on his requested setbacks. Mr. Dirksen stated them as: Front - 28 ft., Rear - 30 ft. Sides - 30 ft on each side.

Mr. Bartel commented that the Commission may want to discuss asking for more than 28 ft on the front.

Chairman Sieger asked what the disadvantage would be to moving back further.

Mr. Dirksen said he was hoping to have a drive and overhead door on the south side. He was hoping to buy a bobcat, backhoe, and a truck in the future to be stored in the shop.

Clark Wiebe stated perhaps it would be better if there was less setback on the north. This would allow Mr. Dirksen to store incidental materials on the south side where they would be screened from the road. The question was asked would this allow for sufficient easement for any future city and water sewer. It was noted that surrounding buildings were this close to the road.

Mr. Dirksen stated the city water main comes through this 28 ft. and this area would also accommodate any new lines. He also wanted to know if a concrete tank for sewage and a hand dug well for irrigation, etc., would be permissible.

Clark Wiebe stated that if Mr. Dirksen used a holding tank, he would like to have more setback on the west side. Mr. Dirksen indicated he plans to buy additional land if this application is approved. Chairman Sieger explained the

procedure for application approval.

Mr. Bartel said the Commission should have in the file an amended description giving the meads and bounds around the property, including the new property. Mr. Dirksen presented a legal description of the present and additional property and said he would give the Commission a copy.

Item 4: Conditional Use, Youth & Elderly Resident Home, Bed & Breakfast and/or Restaurant, Sec 16-20-3, Nancy Marr:
Chairman Sieger welcomed Ms. Marr and introduced the item.

Herb Bartel handed out maps and located the property. It is approximately 2 and 1/2 acres, E 1/2 of NE 1/4 of 16, part of the Evelyn Ollenburger property on the map. The county has a road maintenance yard in the SE 1/4 of this section. It is a large stone building, previously known as Cedar Rest. It was established that the property description on file indicates the SE 1/4.

Nancy Marr began by stating she doesn't feel she has a good rapport with the County, that she feels the place has been a stigma since she purchased it 20 years ago, and that her motivation is to be accepted by Marion County. She indicated she would like to market the property, but cannot as a private house. She would like to market it as a resident home. She indicated she had a problem with the definition of Youth and

Elderly Resident Home and asked if the application could be changed to Resident Home. She stated that it had previously operated as a refuge for abused women. She said she had a buyer interested but the sewer system needs to be brought up to date and the property must be zoned commercial.

Chairman Sieger asked if Marr was personally interested in operating a Resident Home, etc, or is she asking for the changes just so it could be sold.

Nancy Marr indicated she would consider operating it if she was unable to sell. She indicated this is her current residence and that she works in Wichita.

Mr. Bartel asked Marr about the water and sewer service.

Marr indicated that the water made her ill so she connected to the original cistern. She cleaned it and re-did it herself. She said she is planning on calling a well man to purify both the well and the cistern and combine both into one system.

Chairman Sieger asked if the well had been tested. Marr said it had and was passed.

Dorman Becker asked if the building was occupied. Marr indicated it was, it is her home.

Herb Bartel related that he had talked with KDHE to find out what licenses, permits, and regulations were on this range of uses. He reported that they are significant.

1. any establishment that serves food requires an equivalent to a public water supply. If on a private well, requires samples for testing and chlorination
2. food service requires a specific permit from KDHE
3. adult care also requires a license

None of the KDHE permits or licenses would be influenced by a Planning Commission action. His point being there is a lot of work that would need to take place. Also there is a need to narrow down the uses for KDHE as they probably would not process a "shopping list" of uses.

Marr said she feels she needs to keep her options open to be marketable.

Mr. Bartel indicated he didn't think the County's recommendation could stand alone because of the KDHE requirements.

Clark Wiebe said he would agree. All previous applications have had specifics - this is perhaps too open ended.

Dorman Becker wanted to confirm his impression that Marr would like the option to sell, that she will not proceed personally

with any of these uses.

Marr indicated she would need funding to proceed. The house is strong and there is no need to build on, just remodel.

Chairman Sieger asked if remodeling wouldn't have to be substantial for commercial purposes.

Marr said she hopes to do some of it herself, but that she would have to have professional help with the water and sewer.

Chairman Sieger inquired further about the condition of the interior and exterior.

Marr indicated the electricity was new in 1970 & 71. That she still needs to update the plumbing, water, and septic. These would be her first priority and probably the most expensive. She said she had painted some on the exterior and that it needs a new front porch. She said there were 25 rooms on 3 floors.

Chairman Sieger asked if there were any other buildings on the property.

Marr indicated a historical homestead, chicken house and tool shed.

Chairman Sieger asked Marr if she had the deed to the acreage.

Marr indicated she did and that she would like to inform the prospective buyer that it looks positive.

Chairman Sieger asked if there was a possibility of getting the prospective buyer to buy "as is" and submit their own application.

Marr indicated that the buyer is a social person and is not familiar with these processes. She feels she would not do it.

Chairman Sieger related that the buyer would have to go through some application/permit processes if she opened a business. Why wouldn't she do it before purchase.

Marr indicated she would like the conditional use approved to make the property more attractive to her prospective buyer.

Chairman Sieger asked if Marr had any assurance that if this application was approved her buyer would purchase.

Marr said she feels she would buy if some of these things are done.

Chairman Sieger asked Marr if she had owned the property for 20 years. Marr replied she had.

Mr. Bartel asked Marr if she owned it when it was a restaurant.

Marr said she did not. She purchased it from a minister who bought it from the restaurant people.

W.M. Pierce asked how it was zoned at present. Mr. Bartel answered RR. Chairman Sieger asked if surrounding owners had been notified of the hearing. Mr. Bartel indicated they had and that there had been lots of interest. People generally were wondering why there were no specifics on the uses.

Clark Wiebe indicated he would be more comfortable if both the present owner and the prospective buyer were here with specific uses in mind. He said he feels this application is too vague and lends some concern, especially with regard to our obligation to surrounding landowners.

Marr suggested it could function as a resident home by her or her potential buyer. Also it could be advertised as a country inn sort of get away place. Combined as a country inn and resident home.

Clark Wiebe asked if this would be synonymous with a half-way house type of operation. Marr indicated it would not.

Mr. Bartel asked if he understood her request to be for the option to operate for overnight lodging or a full time

residence, such as a rental. Would she be operating this.

Marr indicated she would if she could get funding. She was not sure she could get needed funding, so would try to sell.

W.M. Pierce noted that if any of these types of business be opened, wouldn't they require serving food, and therefore, a license.

Marr said in the 1970s the Health Dept allowed people to bring their own food and cook it themselves.

Chairman Sieger asked Marr if she was there by herself. Marr answered that she was except for Saturdays when she had two high school boys come and help her.

Mr. Bartel brought up an item that had not been discussed. This property is not on a paved road and weather conditions could be a factor, i.e., dust, mud, etc. He indicated the County had no plans to pave this road to improve property access.

Marr said it was on a school bus route and was not so bad. Marr also stated she believed it would behoove the county to accept her proposal. If she gets burned out the property would go to the dogs. It would be better if she could sell it.

Chairman Sieger asked how old the structure was. Marr indicated it was built in 1989, was a historical building, and she would like to see it become something the County could be proud of.

Item 6: Off Agenda Item: Lowell Unruh appeared with information that his son and family were moving from Colorado to take over the farming operation. He indicated he would need to provide them housing. There was much discussion with the consensus of the Commission being that if the primary use remained AG, all Mr. Unruh would have to do is to get a permit for the structure.

Chairman Sieger declared the public hearing closed and asked the Commission for discussion on Item 5 - Dirksen.

Mr. Bartel reminded the Commission that the setback was a Variance and the shop was a Conditional Use.

Chairman Sieger asked for a motion on the Conditional Use portion of the application. Marlin Janzen motioned to approve the Conditional Use on Sec. 7-21-1 for a construction shop. Dorman Becker seconded the motion. Discussion. Clark Wiebe moved to amend the motion by stipulating all exterior scaffolding, construction materials, forms, and incidentals be stored on the south side of the building. Sherwin Ammeter seconded the motion to amend. Discussion, none. Vote on the amendment as stated was 6 yes, 0 opposed. Motion to amend

carried. Vote on the original motion as amended, 6 yes, 0 opposed. Motion carried.

Chairman Sieger then opened discussion of the Variance. Clark Wiebe moved to set the setback variances at a minimum of 28 ft from the front (north side), 30 ft from the east side, 30 ft from the west side, and 30 ft from the rear (south side).

W.M. Pierce seconded. No discussion. Vote was 6, yes, 0 opposed. Motion carried.

Chairman Sieger opened discussion on Item 4 - Marr. Sieger pointed out that the application had been filled out with several uses, not just a resident home, and the Commission would have to act on the original application.

Mr. Bartel advised the Commission they could continue the application for a Resident Home based on what Marr said. He indicated he would like to know that KDHE had been contacted and requirements met before they act. He indicated the Commission could require this before they act.

Clark Wiebe noted that it appears that several things have been tried at this location in the past and nothing seemed to work. He said while he would agree that the old building should be saved, the difficulty with the ground water contamination, if approved, might create problems for her and adjoining landowners. He was not sure approving wholesale

uses was appropriate. Dorman Becker agreed.

W.M. Pierce it was a nice idea, and he would also like to see the building preserved, but he was not sure it could happen in this instance. Chairman Sieger indicated she felt feasibility was not a Planning Commission issue. Pierce felt he would like to have KDHE's blessing as to whether this was possible. Sieger said if KDHE said no, it would not work for either Marr or her buyer. Dorman Becker restated Marr's preferred option was to sell, and that she thinks she has a better opportunity to sell if it is re-zoned. Sieger said she would have felt better if the prospective buyer were present. Clark Wiebe said a resident home had been tried at this location before and died for lack of interest.

Clark Wiebe moved to deny this application for Conditional Use as stated. Sherwin Ammeter seconded. No discussion. vote was 6 yes, 0 opposed. Motion carried.

Herb Bartel noted to the Planning Commission that Jim Krehbel of Hesston called his office asking to move a single wide trailer to a lot he wants to purchase in Eastshore. Bartel informed him that he could replace an existing trailer, but that he could not bring one onto a vacant lot. The lot is now vacant.

Next Planning Commission meeting is March 24, 1994, 7:30 PM,
Courthouse.

Marion County Planning Commission
February 24, 1994

A Public Hearing on Sanitary Codes will be held March 14, 1994 at 9:00 AM before the Board of County Commission.

Chairman Sieger asked if the Planning Commission was going to continue Meeting in the Courthouse or move to the Health Dept. location. Mr. Bartel indicated they would need 45 days lead time because of publication of public notices.

Sherwin Ammeter moved to adjourn the meeting. W.M. Pierce seconded. Vote was 6 yes, 0 opposed. Motion passed. Meeting adjourned at 10:08 PM.