

MARION COUNTY PLANNING COMMISSION

JULY 28, 1994

RECORD OF PROCEEDINGS

ITEM 1: Chairwoman Sieger called the meeting to order at 7:35 p.m.

ITEM 2: Roll call was answered by Dorman Becker, Terry Eberhard, Bud Pierce, Dean Fincham, Marlin Janzen, and Eileen Sieger. Herb Bartel was also present.

Chairwoman Sieger suggested that the minutes of the May 26, 1994 be skipped until later in the meeting and go onto the items on the agenda since it was a lengthy agenda.

ITEM 4: West Winds Ltd. land development. Chairwoman Sieger read the land description. Mr. Bartel noted that the public notice was published in the Hillsboro Star Journal May 11, 1994. It was originally scheduled for June 23, 1994.

DeLair LaDuke and Merle Schlehuder were the representatives for West Wind Ltd. Mr. LaDuke asked the commission members to state their remarks first and he would comment on them, but the members decided to let Mr. LaDuke make his proposal first. It was agreed. West Winds stated that they have a 23 acre tract of land to submit for plat development. They would agree to either 1 acre or 1/2 acre tracts. It would be a total county subdivision. They suggested lagoons for the R-1 districts and septic tanks and wells for the A-1. This property does adjoin the city limits. Mr. Janzen asked if

rural water was a option. Schlehuber said it was not. Maybe in the future it would be. Mr. Becker asked how far rural water was from the property. Schlehuber said about 3/4 mile and the electricity would be provided by REA. Chairwoman Sieger asked if the streets were wide enough and accessible. Schlehuber stated that they would be sand and gravel put in by West Winds and maintained by the county. They have proper easements and setbacks for streets to come through in the future. He also stated that it would not effect Hillsboros long term plan. Mr, Brosemer (Brosemer Land Surveys) stated the streets could continue through. Chairwoman Sieger asked about the land being level and if water runoff was good. Shclehuber stated that water runoff was not a ~~no~~ problem and everything drained toward highway 256. Marlin Janzen asked if the street dimensions were going to be wide enough for future use. Schlehuber assured the commission that they are wide enough for both county and city standards. He also stated that there would be 1 acre left for a fly zone for the airport and this could be used for a lagoon. If not used it would be a park. Chairwoman Sieger stated that the city of Hillsboro has no legal boundaries over the county that they can only recommend. Schlehuber then stated that the homes taxed would be a boost for the county. The shortage of homes in Marion County is unbelievable and the response for West Winds is good. Chairwoman Sieger asked if there was a demand for homes. Mr. LaDuke said very much so. It was then clarified that LaDuke and Schlehuber were the owners of West

Wind Ltd.

Mr. Janzen asked if there would be a minimum size on the homes. LaDuke said that there was not a minimum size or price range.

Eric Strauss, introduced himself as the Hillsboro City Planning Consultant. He stated that even though the county has ultimate zoning authority the city still retains it subdivision authority. If the county should rezone it would have to file a plat with the city of Hillsboro. The regulations that were in effect prior to the zoning would still be in effect now when it comes to subdivision regulations. The city's concern is that this area has been designated as a primary growth area. The city's comprehensive plan is to be able to use the city's services in this area. The development of these lots without city service would make future extensions a very big problem. Strauss recommended the planning commission to deny this application and ask the applicant to join the city. If not rezone to **S**ome category that is equivalent to the city's R-1 zone, which is the city's urban zoning. The city agrees that housing is needed but would like it to be in the city.

Mr. Bartel asked if the county should act on the zoning, what would the city's timing and sequence be with the matter of the subdivision.

Mr. Strauss stated it would be up to the applicants to apply for subdivision plats. The city offered no help and West Winds decided to do no more. They would go to the

county. Schlehuber also stated that West Winds would not approach the city council or the city planning and zoning on this issue. West Wind will not go into the city.

Strauss stated that the city policy is that utilities are the responsibility of the developers.

Marguerite Goertz stated that she has built a home on the property located in the northeast part of West Winds. She filed a plat that she stated the city continually changed. She was not allowed city utilities. She had purchased 25 acres from Mr. Kliewer, used what she needed for her home and sold the rest of the acreage to West Wind. She said the city did not cooperated at all.

Mr. Kliewer asked how B Street would tie into this development. His property adjoins west Wind to the north. B Street is in the city limits. He stated that it is prohibited to put in a street for less than 6 houses. Mr. Bartel stated that the matter of any street would be the matter of the plat and it would not be a matter that this board is involved in.

Mrs. Goertz stated that she had asked to be annexed into the city and have service from her alley, that she had paid everything that was required.

Strauss stated that the city of Hillsboro wants and needs this development but the city is not willing to financially participate in that development. The city will do what it can to make the development possible from a planning and a permanent perspective. Schlehuber then stated that the city of Hillsboro has never participated in a

development in Hillsboro.

It was decided to move on to item 5.

Item 5: James Wyatt, Rezoning from suburban residential to village and variance from 30 ft. frontage to 20 ft. frontage.

Mr. Bartel stated that this was published in the Hillsboro Star Journal, June 29, 1994.

Mr. Wyatt states that he cannot build his home with the way it is zoned right now because he needs more frontage. He is asking to be rezoned and then apply for a variance. He identified the property as lot 37, Echo Lane Division. The request is to go from suburban residential where a 50 foot front yard is required to village where a 30 foot front yard is required and ask for a variance to a 20 foot front yard. Mr. Wyatt was not sure he would need the variance but he would be more comfortable when he decided to build his home if he had the extra footage. Chairwoman Sieger suggested to listen to all the comments and for the members of the commission to make a decision after the other cases have been heard.

Item 6: Conditional Use for a fertilizer plant located at Tampa Cooperative, Sec. 25, T-17, R-2-E.

Mr. Bartel stated that this was published in the June 29, 1994 Hillsboro Star Journal.

Stan Utting, manager of the Tampa Co-op is the representative. Mr. Utting explained that the Co-op wants to

put a fertilizer plant on part of 120 acres that the Co-op owns. He has filed the plans with the State board of Agriculture and it was approved by the EPA. Chairwoman Sieger stated that they will need a conditional use permit. Mr. Utting stated that the plant is in a KPL district for utility use and has rural water and is accessible by a all weather road. MR. Bartel stated that it would remain zoned agriculture. Mr. Utting was informed that he would need to submit a legal description of the property on which the plant would be built and obtain a separate building permit.

Item 7: A variance from pasture to utility state assessed for Tri County Communications. Mr. Bartel stated that it was published June 29, 1994 in the Hillsboro Star Journal. Jamie Stephens introduced herself as the representative from Technical Land Consultants Inc. for Kansas Cellular. Ms. Stephens company is doing the land acquisition for Kansas Cellular. Mr. Bartel informed the members that regulations state that there has to be land area equal in distance as to the height of the tower. Chairwoman Sieger asked if the land would be leased or purchased. Ms. Stephen stated it was leased with the option to buy. It has pasture surrounding the tower area and the tower itself and the guideline poles would have chain link fence around them. Since Technical Land Consultant did not have enough land acquired, the members decided to act on this item when everything was completed.

Item 3: Chairwoman Sieger noted there needed to be a correction in the May 26, 1994 minutes. The name should be Clark Weibe. MR. Janzen moved the minutes be approved with the correction and Dorman Becker seconded. Favor 6 Opposed 0. Motion carried.

Item 7: Chairwoman Sieger stated the this commission has the decision on variances. Bud pierce moved to allow this variance with the understanding that Technical Land Consultants acquired the extra ground required. Dean Fincham seconded. Favor 6. Opposed 0. Motion carried. Herb Bartel stated there would still be a permit required.

Item 6: Dorman Becker moved to recommended the Co-op fertilizer plant be approved. Terry Eberhard seconded. Favor 6. Opposed 0. Motion carried.

Item 5: Rezoning for James Wyatt from S-1 to V-1. Terry Eberhard suggested that Mr. Wyatt gather more information and be more decisive on what he wants to build as far as size and dimensions. Marlin Janzen suggested to grant the rezoning and get the variance at a later time. Mr. Bartel stated the members could have a continuance for 60 days without having to republish the variance application. Marlin Janzen moved to recommend that the zoning be changed from S-1 to V-1 on this property. Bud Pierce seconded. Favor 6 Opposed 0. Motion carried.

Variance: Bud Pierce made the motion that the variance of this application be continued for 60 days. Terry Eberhard seconded. Favor 6. Opposed 0. Motion carried.

Item 4: West Winds: Mr. Bartel suggested that this item be continued. Mr. Janzen felt there should be some clarification of the city and county plans. After discussing this agenda item the members decided to talk to the KDHE before making a decision. Mr. Bartel stated that the city of Hillsboro has asked the commission members for a zoning that would fit their comprehensive plan or that the commission do nothing. Marlin Janzen made the motion to continue this item until the August meeting. Terry Eberhard seconded. Favor 6. Opposed 0. Motion carried.

Chairwoman Sieger asked if there was anything more the members would like to discuss. Dean Fincham moved to adjourn the meeting. Dorman Becker seconded. Favor 6. Opposed 0. Meeting was adjourned at 9:45 p.m.