

**MARION COUNTY
PLANNING COMMISSION & BOARD OF ZONING APPEALS**

RECORD OF PROCEEDINGS

May 24th, 2018

**Members
(Present)**

Jeff Bina
Dwight Flaming
Derek Belton
Jim Schmidt
Mel Flaming
Kathy Inlow
William Kroupa
Marty Dalke

**Members
(Absent)**

Brad Vannocker

**Staff
(Present)**

Emma Tajchman
Sharon Omstead
Russ Ewy

1. **CALL TO ORDER & ROLL CALL**~ Bina called the meeting to order at 7:04pm with 8 members and 3 staff present. Vannocker absent.
2. **APPROVAL OF MINUTES**~ D.Flaming made a motion to approve the April 26, 2018 Record of Proceedings as presented. Belton seconded, motion carried unanimously (8-0).
3. **New Business**~ **Case No. PC-18-03 Application for a Conditional Use Permit, filed by Troy Hett to operate a scrap metal recycling business at 2792 Mustang, Tampa, Kansas.** Notice of Public Hearing was published on May 2nd, 2018. Notification letters were sent to property owners within 1,000 feet of the affected area. There was no outside response from the public. Troy Hett was present for this portion of the meeting. He stated he has been recycling scrap for the past 5 years. Hett- I've been sitting on a bunch of metal, waiting for the price to go up. I was moving it about twice a year when the price was acceptable. We moved (sold) over half of it recently. The stockpile grew a lot from 2011 to 2017 (as evidenced from 2011 aerial photos to 2017 photos). I take off parts that can be used and sell or store the metal. I recycle the gas- using it in our mowers to mow grass. The antifreeze goes to car dealerships that need it, or individuals that use geothermal systems. I have a plan for the fluids. Tajchman -There are pictures of the screening in the Board packets. Hett- The school bus and camper are not intended to be on the outside of the fence, as pictured. The fence was damaged in high winds recently, so the bus and camper are parked there temporarily until I get the fence fixed. I have to move some vehicles that are behind the fence so I can properly secure it. M.Flaming- Do you burn any of the scrap? Hett- No, I don't burn any of it. Most of it goes right into the recycle trailers. We knock the glass out of the vehicles when they come onto the property. The glass is then swept up and tossed back into the vehicle to keep it contained and not laying around the yard. Then it gets hauled off with the vehicle (the weight helps get a better price for the scrap). All tires are stored inside the vehicles so water doesn't get in them and create an environmental hazard. M.Flaming asked about Hett's certification that was included in the Board packets. Hett- I did the paperwork and took the test to get certified to do air conditioner work. I bought bottles at an auction, so I save the freon and use it in my own vehicles. Inlow- Do you have a junk dealers license? Hett- Not yet, we are working towards that. Tajchman- That requires approval from the county first, then the application is sent to KDOT (Kansas Dept of Transportation). Bina- Were there any comments from the public? Tajchman- No, there were no comments from the public before the hearing. Tajchman gave the Staff Report. For the purpose of this Conditional Use Permit, a scrap metal business is best described as a junkyard, which is a permitted use and is further defined in Article 1-104 of the Marion County Zoning Regulations. Hett does have a system in place. He has proper storage techniques and sorts parts so they are organized by product. He has the proper certification to deal with

chemicals/fluids. The overall increase in traffic is very minimal. There is screening in place around the facility. I suggest continuing to maintain the screening with a consistent material and remove the bus and camper as soon as feasible. A KDOT license is required to operate this facility, so he needs to follow through with getting that certification. The surrounding area is primarily Agricultural. I feel Hett's service is a need in the community. The recommended conditions included, 1.) Strict adherence to the development plan of record; 2.) Conformance with all applicable federal, state, and local regulations; 3.) Maintain adequate screening along the scrap metal facility perimeter. D.Flaming -Condition #3 is in place so individuals don't start putting various items in place for screening instead of something consistent. Bina- we could say 'adequate' screening. Belton- Troy likes things to look nice. If he fixes the fence and maintains it, it should be adequate. The Board came to the conclusion they would like for the condition to be worded, 'adequate and consistent screening.' Kroupa asked about critters getting into the vehicles. Hett said they have cats that help keep the critter population down. Hett asked about Dan King's place. It is a Marion County property that seems to be overrun with junk. He saw the issue was addressed in the newspaper a couple of years ago, but then didn't know if anything ever happened with it. Tajchman- It is one that needs to be addressed. There is scrap in the road right-of-way. With a complaint of that nature, Tajchman generally sends a letter to the property owner, giving them 30 days to respond and set up an onsite visit. They have about 30 days to clean up the problem. If significant cleanup has not been done after 30 days, another letter is sent and the county attorney and Board of County Commissioners are copied. Bina called for any other questions or comments. (none) D.Flaming made a motion that item PC-18-03 (stated out) be recommended with approval with the following conditions: 1.) Strict adherence to the development plan of record; 2.) Conformance with all applicable federal, state, and local regulations; 3.) Maintain consistent and *adequate* screening along the scrap metal facility perimeter. Kroupa seconded. The motion passed 8-0, unanimously. There is a 14-day protest period, then the recommended item will go before the County Commissioners on June 11th for a final determination.

4. **Discussion concerning revisions to the Marion County Planning Commission/ Board of Zoning Appeals Bylaws.** Tajchman gave an overview about the progression of the membership portion of the bylaws being approved. The county attorney is reviewing the suggested changes. A resolution will have to be signed and published before the changes can be adopted.
5. **Old Business~ (None)**
6. **Off Agenda Items~**
There may be an application coming for a variance at 53 Lakeshore, Marion. The request would be for a 0-foot setback along a property line.
7. **Adjournment~** Motion to adjourn made by D.Flaming, seconded by Dalke. Motion carried unanimously (8-0). Bina adjourned the meeting at 8:00pm.

PASSED and APPROVED (Date) Aug. 2, 2018



Jeff Bina, Chair

ATTEST:


Emma Tajchman, Secretary