## REGULAR MEETING

## MCPHERSON COUNTY PLANNING BOARD MINUTES

# May, 13th, 2024

Meeting was held at the 1st Floor, McPherson County Bank Building, 122 W. Marlin St, McPherson, KS.

At 7:00pm **Chairperson Kathy Nicholson** called the meeting to order andwelcomed those in attendance. She asked that the audience members sign in and reminded everyone to silence their phones during the meeting.

**Kathy Nicholson** called on Recording Secretary, Carissa McCuen to take roll call. **Members present:** Lori Bower, Chris Goodson, Kathy Nicholson, Christina Reynolds, Jeff Smith, Glenda Taylor, Jim VanGoethem, and Raymond Williams. **Members absent**: Shelby Shaw.

**Jon Kinsey**, Board Secretary and **Carissa McCuen**, Recording Secretary, were also in attendance.

**Guests in Attendance**

Bryan Hess

Loren Koehn

**Kathy Nicholson c**alled for a motion to approve the agenda. **Lori Bower** made a motion to approve the agenda. **Jeff Smith** seconded the motion. **All voted aye. Motion carried.**

**Kathy Nicholson** called for a motion to approve the **March 11th, 2024;** minutes as presented. **Christina Reynolds** made a motion to approve the minutes as presented. **Chris Goodson** seconded. **All voted aye. Motion carried.**

**Kathy Nicholson** called for New Business agenda item **SU2024-003** Special Use for Oil Service Yard, 0000 Moccasin Road, Galva, KS 67443.

**Kathy Nicholson** read the ground rules for public hearings.

**Kathy Nicholson** asked the board members if any of them intend to disqualify themselves. **No board members disqualified themselves. Kathy Nicholson declared a quorum of 8 (eight) Board Members present for the hearing.**

**Kathy Nicholson** called on Board Secretary, **Jon Kinsey,** to affirm that proper notification for this hearing was given. **Jon Kinsey** stated a notice for the hearing was published in the official county newspaper the McPherson Sentinel, on **April 17th, 2024**. In addition, notices were sent to the applicant and to 16 (sixteen) real property owners of record in the Notification area on **April 10th, 2024**. As required by State statute at lease 20 days elapsed between the dates of publication and

mailing, and the hearing date. **Kathy Nicholson** asked if anyone present has any evidence contrary to the Secretary’s affirmation. **There was none**. **Kathy Nicholson** declared proper notification was given.

**Kathy Nicholson** asked the board members if there had been any ex parte communications on the case. **There was none.**

**Kathy Nicholson** called on **Administrator, Jon Kinsey,** to provide the background on the case. **Jon Kinsey** provided background on the case, including the details of applicant submission, parcel size, dimensions of area to be utilized for the proposed use which is (560’ depth x 250’ width), and the dimensions of a proposed shop building of (30’ x 50’). **Jon Kinsey** explained that **Bryan Hess** recently purchased the thirty-five-acre parcel, however he did not want to rezone that entire acreage to an M-1 Zoning District, so the Special Use case was applied for, and the remainder of the land is remaining A-1, Agriculture and that the proposed use was for approximately three to three-and-a-half acres (3 to 3.5 acres). **Jon Kinsey** described the proposed plan for the Special Use to include a new drive, proposed private water well, and on-site wastewater; **Jon Kinsey** went onto address the amount of employee traffic to be a minimal, handful of employees, and no need for living quarters on-site. **Kathy Nicholson** asked if any board members had questions for the Administrator. **There was none**.

**Kathy Nicholson** called on the applicant to present their request. **Bryan Hess, 1301 Mallard Drive, McPherson** approached. **Bryan Hess** clarified some application information on how the building would be utilized, he said they will not have employees there regularly, but that they would be in and out, and this was for storage. **Bryan Hess** stated that the bathroom would not be needed right away, and that the building and area was more for storage at this time, and he wanted to move away from the Highway where it is currently located. **Bryan Hess** stated the proposed use will also eliminate two more yards, and to consolidate into one location. **Kathy Nicholson** asked if there were any questions for the applicant. **There was none**.

**Kathy Nicholson** opened the public portion of the hearing. **Loren Koehn, 2288 Moccasin Road, Galva** approached. **Loren Koehn** stated he lives just North of the proposed location, so it will affect him, and it is not particularly welcomed, he would like to see it stay farmland. He noted that he was speaking to the applicant and if the use stays as proposed it shouldn’t be a big issue to him unless there are issues over lights, noises, and smells because he isn’t that far away. **Kathy Nicholson** asked if his concern was that a screening plan should be put in place. **Loren Koehn** replied that in the summertime it would not be an issue, but in wintertime it would be nice if there was something there. **Loren Koehn** showed **Kathy Nicholson** where he is located. **Kathy Nicholson** also asked if there is currently oil field supply storage there now, **Loren Koehn** replied that if there is it is a quarter mile down the road. **Kathy Nicholson** asked if **Bryan Hess** currently has storage in that location now, and he replied no but there is someone else with storage a quarter mile further South. **Kathy Nicholson** asked if anyone had any questions for **Mr. Koehn**, **Jeff Smith** asked if screening was put up and if it would snow would that possibly cause snow to drift on Moccasin, Mr. Koehn replied he does not believe so if the screening would be close to

where he is proposing to build at, but if it was by the road, it might. **Jeff Smith** explained in his Township when property owners put large bails by the road, that is where the snow drifts. **Jeff Smith** stated if they consider screening, he did not want there to then be complaints about the snow drifting. **Kathy Nicholson** asked if **Bryan Hess** would like to respond. **Bryan Hess** approached and stated he wants to be a good neighbor. He proposed the possibility of going around to the South of the old farmstead, which is not his property and would provide screening as well. He pointed out there was more oil field storage further South, but it was not his, there was discussion on whom that belongs to**. Raymond Williams** asked **Bryan Hess** if he had thought about moving the proposed site to the South side of the parcel and **Bryan Hess** replied it is flat and wet.

**Kathy Nicholson** asked the Board Secretary if there had been any written communications or petitions received from the public on this case. **Jon Kinsey** stated there were none.

**Kathy Nicholson** closed the public portion of the hearing.

**Jeff Smith** wanted to ask about the location of the proposed use before they deliberated the case. Jeff Smith spoke about the location of the proposed use being changed and does that mean a new survey is needed. **Kathy Nicholson** asked Bryan Hess to come back up to show the board what he owns, and that this is a special use case not a rezoning, also **Kathy Nicholson** wanted to verify there has been no survey. **Christina Reynolds** asked if the Special Use proposal only approving a certain number of acres. **Christina Reynolds** asked if there was a longer driveway would that then expand where his oil field supply storage would be. **Kathy Nicholson** asked if the board is regulating where the building location would be located or if they are hearing the use case. Jon Kinsey replied yes, within reason on the size. **Kathy Nicholson** asked if the board would like to hear the 17 Factors and Findings be read aloud, or she would entertain a motion that they have already been reviewed. **Lori Bower** made the motion to suspend the reading of the 17 Factors and Findings. **Glenda Taylor** seconded the motion. **All voted aye. Motion carried**.

**Kathy Nicholson** explained the conditions of a Special Use case and that she would like to read them aloud, and the board can discuss each as necessary. **Jon Kinsey** did note that condition number three (3) could be deleted based on the new proposed location.

**Conditions attached to approval of Case (Z) (SU) -2024-003**

~~1.~~ **~~Platting~~**~~: Unless~~ *~~(all or a portion of)~~* ~~the property is~~ *~~(platted or replatted)~~* ~~and recorded with the County Register of Deeds within one year from the date of approval by the Board of County Commissioners, the case will be considered disapproved and closed. The County Clerk must not publish the Resolution effectuating the (zone change) (special use) until the final plat has been recorded with the Register of Deeds.~~

~~2.~~ **~~Dedication~~**~~: A dedication must be made, in lieu of platting, for~~ *~~(an additional foot right-of- way to the side of ) (and) (a foot easement located on for (utility) (drainage) (screening) ( ) purposes) (and) (total access control along with not more than~~*

 *~~openings permitted which are not more than feet wide and not less than feet from the corner of the property at the street intersection) (and) (a building setback line of feet on .)~~* ~~The County Clerk must not publish the Resolution~~ ~~effectuating the (zone change) (special use) until the dedication has been made.~~

~~3.~~ **~~Screening / Site Plan~~**~~: A (screening plan) (and) (site plan) must be submitted to the Planning Board and approved before a Zoning Permit will be issued.~~ **All board members agree to deletion.**

 4. This special use allows for the construction and operation of an oil service and storage yard and must be operated as specified in the application. Any changes to the plan or the site must be approved by application for a new special use.

 5. The property shall not be further subdivided or further reduced in size.

6. The principal structure (shop building) must remain under the same ownership and CANNOT be subdivided, sold, or leased as rental property.

7. The appearance of the Principal Structure shall be compatible with the character of the neighborhood.

8. The property owner shall submit and pay for the following permits:

 • Zoning Permit for a Principal Structure

9. The property owner shall have any water or wastewater systems permitted and approved by the McPherson County Sanitarian and must pass all inspections as applicable to the McPherson County Sanitation Code.

10. The off-street parking space and standards required per Article 5 of the McPherson County Zoning Regulations must be met.

11. Upon discontinuance of the special use for any 12-consecutive months the special use shall become null and void. Following this time-period, it shall be necessary to re-apply in the original manner in order to be considered for a new special use to restart this use.

12. If approved by the Board of County Commissioners, a copy of the approving Resolution shall **be filed and paid for by the applicant and or property owner** with the McPherson County Register of Deeds Office.

**Kathy Nicholson** asked if the board had any questions about or additions to the conditions. **There were none.**

**Kathy Nicholson** called for a motion on the case **SU2024-003**. **Jeff Smith** made a motion for recommending approval. **Christina Reynolds** seconded the motion. There was no discussion. **All voted aye. Motion passed 8-0.**

**Kathy Nicholson** stated that the case will be forwarded to the Board of County Commissioners with the Planning Board's recommendation and a written summary of the hearing, for consideration at their regular meeting on Monday June 3rd, 2024, which begins at 9:00 AM in the 1st Floor Meeting Room in the McPherson County Building 122 W Marlin St. *(A recording of this hearing will be retained for at least 60 days after the final determination is completed on this case.)*

**Protest Petitions** against the *special use*, but not directed at the Board's recommendation as such, may be received by the County Clerk's Office for **14 days** after tonight, that is until close of business on Tuesday May 28th, 2024.

If there are properly signed Protest Petitions, with accurate legal descriptions, from the owners of record of 20% or more of the total real property within the official Notification Area, not counting public street rights-of-way or specific statutorily excluded property, then approval of the change would require a **3/4 majority vote of all the members of the Board of County Commissioners.** *(See McPherson County Zoning Regulations, Section 11-103.)*

**Kathy Nicholson** stated the **Board of Zoning Appeals** had no new business or old business to be heard.

**Jon Kinsey** wanted to mention he did have an item of New Business that should have been under the Planning Board Agenda. He stated in meeting with the BOCC in a work session, that there has been an expressed desire by the BOCC for the Planning Board to consider a **Zoning Amendment (regulation change) for Second Residential Units under Special Use Zoning Cases**. After much discussion the board decided to allow for a motion on this. **Lori Bower** motioned to pursue the board to look into reviewing the allowing of a second residential unit on a property to be regulated Administratively, and with exceptions for protests. **Raymond Williams** seconded. **All voted aye. Motion passed 8-0. Jim VanGoethem proposed that Jon Kinsey send out an email with the available meeting dates to the regulation committee.**

**Kathy Nicholson** discussed her ability go on the Military Honor Flight, and to refer anyone to her for inquiries.

**Jon Kinsey** provided an Administrators report, including department statistics, and the online platform update.

**Kathy Nicholson** called for a motion to adjourn the regular meeting. **Jeff Smith** made a motion to adjourn the meeting. **Raymond Williams** seconded. **Meeting adjourned. The next meeting is scheduled for Monday, June 10th.**

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Chairman Secretary

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Date -