

CRAWFORD COUNTY, KANSAS
PLANNING AND ZONING BOARD
AUGUST 21, 2014

Item I:

Meeting called to order with Flag Salute

Item II:

Roll Call

Absent: -0-

Present: Murray Balk, Bonnie Houk, Bob Gilmore, Dee Hough, Jim Zibert, Greg Murray, Matt Bacon, Kathy Flora, and Terry Fox.

Item III:

Zoning Administrator welcomed new board member, Matt Bacon.

Item IV:

Chairman calls for a motion to approve the January 2014 meeting minutes.

Motion made by: Bonnie Houk

Seconded by: Jim Zibert

Any corrections: No

Motion carries. All voted aye

Item V:

Chairman read the procedures and regulations for the meeting.

Item VI:

Announced the two different cases for the evening:

- 1) Todd Trowbridge for "Trowbridge Estates" located on East Side of 210th. Street. South of intersection of 510 and 210th.
- 2) Mike Adam for "Adam Estates" located on East side of 190th, south of 540th and 190th.

Item VII:

Case # '14-1368, Trowbridge Estates, rezoning request from A-1 to RR (rural residential)
Facts presented about rezoning were presented by Todd Trowbridge, Applicant.

- a) Zoning Administrator read agency response comments to note for file. They were Crawford County Environmental Health and Road and Bridge Department. Neither gave negative comments or concerns. Mr. Towery, Registered Sanitarian did suggest that the septic systems need or use wider trenches and shallower cover.

Mr. Trowbridge stated:

- a) Has been a resident of Crawford since 1985, this will be his second subdivision.

- b) Previously he has constructed homes in Cherokee county right across county lines. He proposes to build one home a year in this new subdivision.
- c) Homes will be spec homes and will range from, 135,000 to 185,000 dollar homes.
- d) He owns all land east of proposed development site.
- e) All surrounding homes are of equal or lesser value.

Chairman asked if there were any questions by the board for Mr. Trowbridge, there were none.

Chairman then asked if there was opposition present that wished to address the board. No opposition present.

The board members next questioned zoning procedures; the Zoning Administrator advised that a change in zoning must be done before the board could recommend approval to the County Commissioner for the adoption of a new development.

Closed to public comment, discussion by board.

Terry Fox stated proposed development is on paved road with utilizes present.

Entire area seems to be moving from Agriculture to Rural Residential.

There are very nice homes.

Mr. Trowbridge has built very nice homes in the past and feels the new anticipated ones will be just as nice.

Bob Gilmore, Dee Hough and Jim Zibert all agreed it will be a nice addition to the area.

MOTION

A motion was made by Bob Gilmore and seconded by Terry Fox to recommend to the County Commissioners consideration to amend the zoning from Agriculture to Rural Residential. Motion stood approved

Next item for the boards review is the proposed development to be known as Trowbridge Estates.

Mr. Trowbridge again presented facts concerning development.

After discussion and showing the board the layout of the proposed development, it was then opened up to the board for a question/answer session.

Jim Zibert noted that the utilities were not indicated on the site plan per the development guidelines of the Subdivision Regulations.

Mr. Trowbridge advises that utilities were on both sides of the county road.

Kathy Flora asked as to whether there would be four (4) total driveways or combined driveways.

Mr. Trowbridge stated that there would be one driveway for each new home.

Mr. Trowbridge also stated that all homes would be facing 210th Street as well as the driveways would be coming off of 210th street.

Kathy Flora then questioned as to whether the proposed driveways had to be shown on the Mylar?

Terry Fox replied that they are not needed on short plats unless county requests them to be shown.

Jim Zibert stated that he could not approve or recommend approval since the plans were not within county's regulations.

Bonnie Houk questioned the restrictive covenants stating first copy did not mention manufactured homes and the second copy did state no manufactured homes. Zoning Administrator advised that is up to the developer as to what restrictions are placed on his or her development. That is why the restrictive covenants are filed on a separate sheet. The county does not except or approve covenants. The developer is the enforcement of any and all covenants.

Mr. Trowbridge indicated he would submit prior to the Commissioner meeting a notarized copy of said covenants.

With no further questions, the Chairman then asked to entertain a motion for recommendation to the County Commissioners on proposed development.

MOTION

A motion was made by Dee Hough and seconded by Greg Murray to recommend to the County Commissioners consideration to accept the proposed new short plat development to be known as Trowbridge Estates. This recommendation was based on the development being in the same general character of the area, same uses as nearby properties, and will not be detrimental to the area.

Along with recommendation, a stipulation was placed on the recommendation that before presentation to the Governing Body, Mr. Trowbridge add the location of utilities to the Mylar.

Motion carried with a vote of: 9 ayes, 0 nays, 0 abstaining, and 0 absent.

Chairman Balk then called for a recess of 10 minutes to allow persons to leave meeting before the next case was reviewed.

Meeting called back to order by Chairman.

Item VIII:

Second case for '14-1365, Adam Estates, consideration for amending zoning from Agriculture to Rural Residential. Facts presented about rezoning were presented by Mike Adam of 1502 South Pine, Pittsburg.

At this time Terry Fox will recused himself from the board as he was the engineer for the proposed development and worked with Mr. Adam on said case.

- a) Mr. Adam has been a resident of county since 1975.
- b) Hired Triad to do the development plan.

Terry Fox then addressed the board with the following information and facts.

- a) Area is Agriculture and Residential
- b) To the South there is Crestwood Estates, to the North are a couple of homes and across street to the West is a trailer park and other homes.
- c) Area has paved road access.
Rural Water is available.
Noting all utilities is available in area.

Mr. Fox did note that water lines do come in both ways and are looped

noted that water issue will be discussed further when the board reviews the proposed development

Area is conducive for subdivision.

Near the golf course.

Feels the new homes would be a benefit to the area.

Zoning Administrator then announced agency comments received for proposed rezoning and development.

- a. Road and Bridge send an e mail from Ms Liz Hart stating the Road and Bridge Department request that no additional water is allowed to drain onto or towards 190th.
- b. Mr. Bill Towery did a field check that showed no Environmental or Sanitation Problems but did note that the area is not the best for septic tanks, but will work with developer to insure proper systems are installed. Also, stated that there were no open wells or wastewater problems. Mr. Towery did suggest using wider trenches and shallow cover on all new systems.
- c. KDHE Surfacing Mining indicated that in Section 35, portions had been undermined – East mine #5 and the coal vein are 80 feet deep in that area. No problems reported, however it is possible. Abandoned mines are possible in area.

Jim Zibert then asked if any mining was shown on plat.

Terry Fox responded that it is not necessary or required per Subdivision Regulations.

With no further questions from the Board, the Chairman then asked if there were any persons present that wished to address the Board in opposition. They were:

Angela Hill of 946 South190th lives next to lot 4.

Has lived in area for 34 years and was born raised there, ran free as a child and would like for her kids to run free.

Will add extra traffic, trespassers, and county road are already bad & will get worse with additional traffic.

Has rural water issues stating that there is already low pressure, more homes will make it worse.

Ms. Hill indicated that she elected to live in county to be away from people.

Fire hydrant is inadequate for home protection. Not enough water. Presented pictures of hydrant and information sheet (noted as EXH. I) along with her comment sheet.

Husband creates noise working on motors; neighbors may not like to live near that.

Next was Derrick Degruson of 949 South 190th.

Parents have farmed in this area and were raised on a farm.

County roads in area are bad condition.

Mr. Degruson hauls hay for his animals and noted that the roads are too narrow for traffic. He does a lot of clay shooting on his property and doesn't want neighbors upset over that. Crestwood already complains about him shooting, but is why he lives in county, there for a reason.

Would have moved out further if he knew this was happening to area with all the new homes being built.

Has livestock at his home, the dogs from trailer park, on the West side of the road, have caused problem for him and he disposed of the dogs over this.

Bob Gilmore then asked where Mr. Degruson lives from proposed development.

Mr. Degruson stated he lived on the other side of street-Southwest of Lot #4 of proposed plat and his land goes behind the trailer park.

Rebuttal time for the applicant &/or representative:

Terry Fox indicated that the Comprehensive Plan for Crawford County shows development for this area for residential growth.

This is an obvious choice with paved roads that people are living there or want to build on.

Taxes to maintain roads are not supported by agriculture ground but more from residential homes.

Area has brought in a lot of new homes.

Site has existing utilities.

Jim Zibert state that he thought the road had always been paved and was a FM (Farm to Market) designated road for some time in the past.

Terry Fox stated that yes, that's why people move there.

Mr. Adam plans on living there as well.

Mr. Adam is working on water district to address the water pressure issue.

Trailer park is on way out & means less traffic & more water to share.

Jim Zibert asked how trailer park was plated and if could come back if it closed?

Terry Fox stated that he didn't know.

Zoning Administrator stated that the use for the trailer park was grandfathered, if the use ceases for more than 1 year, a new conditional use would be required for whatever new use would be.

Jim Zibert stated he had concerns with utilities.

Zoning Administrator advised the board members that all we are considering now is change of zoning not the proposed development.

Dee Hough noted that she understood leaving town, she did, but it's part of what it is. She has lots of traffic on 200th, its progress.

Bob Gilmore stated that Daltons Event facility is right down road; don't feel that an increase in traffic would be that much of an increase.

Also noted the lots are bigger than most reviewed by the board.

MOTION

A motion was made by Greg Murray and seconded by Kathy Flora to recommend to the County Commissioners consideration to amend the zoning from Agriculture to Rural Residential.

Motion stood approved with a vote of 7 ayes, 1 nay, 1 abstaining and 0 absent

Next presentation of short plat for development to be known as Adam Estates.

Facts presented by: Terry Fox

They were:

Each lot will drain to N and NE towards pond.

Jim Zibert asked how many lots can be drained across.

Terry Fox responded by saying per regulations 4.

Lot # 3 will drain to front & setbacks have been adjusted accordingly – homes will be on high ground on back of the lots.

Jim Zibert questioned if there needs to be more clarification on drainage, if we are including surrounding lots?

Murray Balk stated that we have always only looked at lots inside development.

Terry Fox then proceeded to state that

- 1) Electric is across street, once development occurs, lines will be bored underground – under county road.
- 2) Water pressure issue is real, trying to fix and Mr. Adam is working with Water District.
- 3) Drainage will not be on other properties and Mr. Adam will conform to R&B standards.
- 4) Lot sizes are compatible to Crestwood Estates to keep it spacious.

Water District Chairman, Eddie Weber was present to explain what is taking place with talks about enlarging water lines in District #4 to service area better.

On 530th water is fed 2 ways and Country Club road is feed by a 2 inch line.

Mr. Weber stated that there was not a quorum at the last meeting; therefore the board could not act on agreement with Mr. Adam. Will be meeting September 15, 2014 to finalize matters.

Noted: 540th Street utilizing a 6 inch transmit line, propose 4 inch line one mile East and will hook up to area South. This matter will not occur for at least 6 months. Mr. Adam has agreed to build only one home the first year to see how supply of water is for future development.

Mr. Weber wanted to clarify that the hydrant is not used for official firefighting; it is only for flushing lines. Fire trucks cannot hook-up-no guarantee on fire protection.

Rural use only—no sprinklers

Water only goes so far.

Line from Country Club Road is a 2 inch line which feeds several miles.

Bob Gilmore asked if the lines will tie together or be dead end lines.

Mr. Weber stated that the water lines loop. 520th and 540th loop together.

Jim Zibert indicated that the lines did not show on map.

Eddie Weber indicated that the lines go past the map Mr. Zibert was looking at.

Jim Zibert asked if there were any easements.

Mr. Weber stated that the lines have been there a very long time.

Terry Fox stated that they were shown on the map as water line in right of way?

Mr. Weber stated that the lines were on private property.

Jim Zibert stated that all easements need to be shown on Mylar.

The Chairman at this point asked if there were any person(s) present that wish to address the board in opposition. They were:

Angela Hill – she doesn't believe that people should have to deal with no water for any amount of time because of new homes.

Jim Zibert asked Ms. Hill, "Do you live by Crestwood Estates and do you get complaints from them about the noise your husband creates?"

Angela Hill responded by saying no not at this time.

Derrick Degruson asked where Mike Adam plans to build in the plat/development?

Mr. Adam responded, no, he plans to build outside next to the proposed development.

Derrick Degruson stated that would bring 5 new homes to the area as to 4. Less water again.

Mike Adam stated that water lines were not planned—however, these new lots will help to get more water in area. Will only sell one lot for time being to give time for new water lines, then go further. Will not build his new home until water line outcome is completed.

Bob Gilmore noted that all the new homes will have to be a minimum of 2000 square feet according to Restrictive Covenants.

Jim Zibert stated that the lots would be comparable to Crestwood Estates development. And felt that the proposed development would only increase property values.

Kathy Flora felt the covenants were neighbor friendly.

Jim Zibert noted that the water lines were big problem and with the current demand, adding these 4 new lots is not going to hinder the performance of the existing lines.

Bob Gilmore concerned that the way the ground falls to North and Northeast, septic tanks will not perk and wastewater could run into pond.

Zoning Administrator stated that Mr. Wm. Towery had addressed this problem in his agency letter.

Terry Fox stated the Mr. Towery was the one who helps us create where the septic systems should go. There is plenty of room for laterals.

Jim Zibert felt that the utility easement for the water line needs to be shown on the plat or future use and should the Mylar show mining (even deep mines)?

Murray Balk addressed this issue by stating the land may have been surfaced mined and underground mined was recorded. And it would be up to the board to say if said information should be shown on Mylar.

Kathy Flora asked if the board should we do this?

Murray Balk responded by saying, “probably”.

Zoning Administrator stated we will need to change the plat requirements as currently it is not stated that this information should be placed on a Mylar and if we delay or deny due to the fact it is not shown there could be some legal issue.

Jim Zibert stated that he was asking for consistency.

Greg Murray asked if there was no written agreement about water at this time.

Mr. Weber stated the written agreement will come soon at the next meeting.

Greg Murray stated it was hard to vote on something not here—is water an issue? No one can fix it and once passed we cannot go back

Jim Zibert stated we do not ask for water adequacy, just a showing of lines.

Water Dist came tonight to make water issues out in open, not hiding anything

Kathy Flora felt that the proposed new subdivision fits in neighborhood and will be a good addition to the area.

Bob Gilmore stated that the restrictive covenants are on a separate document as well?

Murray Balk responded, yes we have no control over that.

MOTION

A motion was made by Kathy Flora and seconded by Dee Hough to recommend to the County Commissioners consideration to accept the proposed new development to be known as Adam Estates. Reason for recommendation was based on that the proposed development would be in the same character of the neighborhood and would be used as the nearby properties were being used. And a stipulation that the applicant/developer add to the Mylar the location of water lines before the Zoning Administrator presented the request to the Governing. Motion Stood approved with a vote of 7 ayes, 1 nay, 1 abstaining and 0 absent.

Item IX:

New business

Adding wording for 2 usable acres to subdivision plats requirements.

Bonnie Houk asked for a work session with County Commissioners.

Murray Balk asked about dogs/kennels?

Judy: will we work at changing this as well, we will need a work session to get wording correct. And noted that there is a lot of work in front of the board to do a full review.

Jim Zibert stated that we “the board” needs to define AG exempt- land must be used AG – not just a fancy house.

Terry Fox stated AG “Agriculture ground” exemption shouldn’t be given, should apply, regulations states that application for AG exempt (no platting after 10 acres).

Bonnie Houk proposed a work session and invite the County Commissioners.

Also underground/surface mining consideration to be added to final plat maps.

Work session proposed for September the 18th at 5:30 p.m.

Item X: Old business – None

Item XI: Announcements

Work Session to review existing zoning and subdivision regulations.
September 18, 2014 at 5:30 p.m. in the Courthouse in Girard, KS.

With no further business before the board, a motion was made by Bonnie Houk made a motion and was seconded by Bob Gilmore to adjourn the public meeting. Motion stood approved.

Attest:

Murray Balk, Chairman '14

Kathy Flora, Vice Chairman '14
