

Draft

**MINUTES  
HARVEY COUNTY REGIONAL PLANNING COMMISSION  
HARVEY COUNTY BOARD OF ZONING APPEALS  
Harvey County Courthouse  
Extension Meeting Room  
November 6, 2012  
7:00 PM**

**Members Present:** Clifford Kirk, Wayne Alison, Dorothy Thiessen, Jack Bender, William Wilson, Bonnie Wendling, Chad Fuqua, Harlan Foraker, Al Heine, Ron Peters & Larry Goering (arrived late)

**Members Absent:** Larry Emmel  
**Staff Present:** Gina Bell, Planning & Zoning Administrator, Julie O'Flynn Secretary

**Others Present:** Craig & Julie Miller, Matt & Bob Schragg

At 7:00 pm Chairman Kirk called the meeting to order.  
We introduced Julie O'Flynn, the new secretary in the Zoning office.  
Gina Bell provided a Directors Update.

**CASE NO. CUP 19-22-2W**

Craig & Julie Miller are requesting a conditional use permit to operate Retreat/ Campground on property located in the A-1 Agricultural zoning district.

The request is made for the following described property: 6608 N River Park RD

A portion of the Northwest Quarter of Section 19, Township 22, Range 2W

Gina Bell read the staff report.

Craig Miller stated that he and his wife believe that this is God's Plan for them to open this retreat. They bought the property in 2011. He is an associate Pastor and he understands the need for those who serve to be able to get away. We are not planning a vacation destination but a place for physical, emotional and spiritual healing. Just a retreat. Craig was asked if he knew about a place owned by the 1<sup>st</sup> Presbyterian Church. Craig said this would be a more simplified version.

The board expressed concern about the possibility of lead in the ground.  
Julie Miller said that KDHE had been out and checked things over and did not find anything of concern.

Chairman Kirk read a letter from Katy Schragg in favor of the use. No one else spoke in favor. Matt & Bob Schragg said that they are not opposed if there is no shooting. All parties agreed that if it is just the land owner and or family then they would not want to see their rights taken away but no commercial shooting range. Staff explained that once a use stops then that CUP is not longer in effect. The shooting range has been gone long enough that there is no previous CUP remaining on this property.

**Jack Bender made a motion to approve the Conditional Use Permit based on A-F and conditions in the staff report. Wayne Alison seconded.**

All of the criteria require subjective judgments on the part of the Planning Commission.

- A. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort, or general welfare.**  
This particular proposed use should not be detrimental to or endanger the public health, safety, or general welfare.

- B. The uses, values, and enjoyment of other property in the surrounding area or neighborhood for purposes already permitted shall in no foreseeable manner substantially be impaired or diminished by the conditional use.**  
There are neighboring homes in the immediate area. This use could potentially be a little loud depending on the kinds of activities and the make up of the guests. (laughing , giggling, screaming from being scared).
- C. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district, and will not represent an invasion of an inappropriate use.**  
This property sets back off the road and backs up to a heavily wooded area in the floodplain. In that it should not affect the normal orderly development of surrounding properties.
- D. Adequate utilities, access roads, drainage and other necessary improvements are present on the site or planned to be made.**  
The owners will construct appropriate buildings for this use including but not limited to 1-3 cabins, a multipurpose building, animal housing, picnic pavilions, bath house/restroom facilities and a new residence so they can turn the current residence into a larger cabin.
- E. Adequate measures have been made or planned to provide ingress and egress designed so as to minimize traffic congestion in the public streets or highways.**  
Ingress/egress access is provided through a existing easement. The property also has additional road frontage to accommodate a new driveway if there are any issues with the current ingress/egress easement.
- F. The conditional use shall conform to all applicable regulations of the district in which it is located.**  
There is ample area for parking in association with this use. We will look at appropriate sewer and water options for the proposed uses. The current plans for this property are respectful of the floodplain and the restrictions of those regulations.

**Conditions**

- 1. Both on-site and off-site signage shall be allowed per Article 18 of the Harvey County Unified Development Code.**
- 2. Water shall be tested for drinking suitability, including coliform bacteria, nitrate-nitrogen, sulfate/sulfur, calcium, magnesium, sodium, iron, manganese, fluoride, total dissolved solids, total hardness, electrical conductivity, water PH and lead. Prior to start up and then yearly after that to make certain the water is maintained in good condition for those who use it. Any unacceptable readings must be mitigated for continued CUP approval.**
- 3. A plan for the sewer must be approved by the Harvey County Environmental Director.**
- 4. Only one permanent residence on the property.**

**Harlan Foraker asked to add the Additional Condition of there being only one permanent residence on the property. Jack Bender and Wayne Alison amended the motion to include 4. Only one permanent residence. Approved 10-0.**

Larry Goering arrived.

Old Business: There was a question about the October 4, 2011 meeting where there was discussion about minimum setbacks. *" Staff reported on what the minimum setbacks were for Reno, McPherson, Butler, and Sumner Counties. After some discussion, Mr. Goering moved that staff explore a 50 foot setback from all right of ways. Mr. Bender seconded, the vote was 11 in favor and 0 opposed, motion carried. "*

Current Staff agreed to explore this option and is working on a review of the previous actions taken by the Planning Commission.

New Business: A question was raised about the Christmas Dinner. Do they want to have it on the scheduled night of the regular meeting December 4, 2012. We are going to look into the Unicorn Restaurant in Burrton.

Having no other items, the Chairman adjourned the meeting at 7:50 p.m.