

**SHAWNEE COUNTY PLANNING COMMISSION
AND
SHAWNEE COUNTY BOARD OF ZONING APPEALS
AGENDA**

**Monday April 13, 2009
6:00 P.M.**

**Shawnee County Annex
1515 NW Saline Street
First Floor Conference Room
Topeka, Kansas 66618**

General Information:

Shawnee County Board of Zoning Appeals:

- The Shawnee County Board of Zoning Appeals is an independent body appointed by the Shawnee County Commission to hear and decide requests for appeals, variances and exceptions. The Shawnee County Planning Commission has been designated by the Shawnee County Commission as the Board of Zoning Appeals. The action of the Board of Zoning Appeals is final unless appealed to district court within 30-days of the final decision of the Board.

Shawnee County Planning Commission:

- The Shawnee County Planning Commission holds a public hearing on the second Monday of each month to consider certain zoning, conditional use permit, subdivision, and other related proposals as may be required by laws of the state or county.
- Unless continued, all **zoning** and **conditional use permit** matters on this agenda will be considered by the **Shawnee County Commission on Monday, May 11, 2009 at 9:00 A.M. in the Shawnee County Courthouse, Room B-11, Topeka, Kansas.**

The following agenda identifies and describes each proposal to be considered by the Board/Commission.

Please refer to the attached Hearing Procedure governing the rules of conduct and the manner in which individual items will be heard.

THE **NEXT PUBLIC HEARING** IS SCHEDULED FOR

MONDAY, May 11, 2009

**Members
Of The
Planning Commission/Board of Zoning Appeals**

Dave Macfee, Chairperson

Bruce Henriksen, Vice-Chairperson

Kurt Young

Michael Murray

Nancy Johnson

Chris Bortz

Planning Department Staff

Barry T. Beagle, AICP, Planning Director

Gloria Obregon, Administrative Assistant

Anna M. Ortega, Zoning Administrator

Carol Henderson, Permit Specialist

SHAWNEE COUNTY BOARD OF ZONING APPEALS

AGENDA

Monday, April 13, 2009

6:00 PM

- A. Call to Order and Announcement of Hearing Procedure**
- B. Roll Call and Declaration of a Quorum**
- C. Approval of Minutes for October 08, 2007 Public Meeting**
- D. Communications**
- E. Ex parte Communications by Members of the Commission**
- F. Declaration of Conflict of Interest by Members of the Commission or Staff**
- G. Public Hearing Items**
 - 1. VR09/01 by Mother Teresa Catholic Church** requesting a variance to increase the maximum sign area allowance for a church sign on property located at 2014 NW 46th Street in Soldier Township.
- H. Adjournment**

Shawnee County Planning Commission

AGENDA

Monday, April 13, 2009

- A. **Call to Order and Announcement of Hearing Procedure**
- B. **Roll Call and Declaration of a Quorum**
- C. **Approval of Minutes for March 09, 2009 Public Hearing**
- D. **Communications**
- E. **Ex parte Communications by Members of the Commission**
- F. **Declaration of Conflict of Interest by Members of the Commission or Staff**
- G. **Zoning and Subdivision Items**
 - 1. **VA09/01SB by 5300, Inc.** requesting to vacate a portion of a 30 foot building setback line at 5300 SW Topeka Boulevard in Topeka Township.
 - 2. **CU09/02 by Kansas Department of Transportation** requesting a Conditional Use Permit to establish a public use facility (highway maintenance and storage facility) on property currently zoned "RR-1" Residential Reserve District and located at the southeast quadrant of SE K4 Highway and SE US 40 Highway in Tecumseh Township. (Continued from February 9, 2009, Hearing)
 - 3. **CU09/04 by Waste Management of Kansas, Inc.** requesting a Conditional Use Permit to establish a private utility facility to convert landfill gas to energy on property zoned "RA-1" Rural Agriculture District and located on the north side of NW 70th Street and approximately one-half mile west of US 75 Highway in Menoken Township. (Continued from March 9, 2009, Hearing)
 - 4. **CU09/05 by Meier's Ready Mix, Inc.** requesting a Conditional Use Permit to establish a land-based sand extraction facility on property currently zoned "RR-1" Residential Reserve District and located along the south side of the Kansas River approximately 3,100 feet north of the NE Belmont Road and NE Kincaid Road intersection in Tecumseh Township.
- H. **Public Comment on Non-Agenda Planning and Zoning Items**
- I. **Discussion of Planning Related Issues**
- J. **Adjournment**

Hearing Procedure

Welcome! Your attendance and participation in tonight's hearing is important and ensures a comprehensive scope of review. It is because of the significance of this proceeding that everyone understands the hearing procedure.

Each item appearing on the agenda will be considered by the Shawnee County Planning Commission in the following manner:

1. The Planning Department staff will introduce each agenda item and present the staff report and recommendation. Commission members will then have an opportunity to ask questions of staff.
2. Chairperson will then call for presentation by applicant followed by questions from the Commission.
3. Chairperson will then call for public comments in the following order:
 - ❑ Comments of those speaking in favor
 - ❑ Comments of those speaking in opposition

Each speaker must come to the podium and state your name and address for the record. The Chairperson reserves the right to establish a time limit for all speakers to afford everyone the opportunity to speak and in consideration of other items appearing on the agenda. At the conclusion of each speaker's comments, the Commission will have the opportunity to ask questions. The applicant will be given the opportunity for rebuttal and make concluding comments. The Chairperson reserves the right to allow additional testimony from proponents and opponents after all initial comments are made.

4. Chairperson will close the public hearing at which time no further public comments will be received. Commission members may then discuss the proposal and ask further questions of staff.
5. Chairperson will then call for a motion on the item, which may be cast in the affirmative or negative. Upon a second to the motion, the Chairperson will call for a role call vote in which Commission members will then vote yes, no or abstain.

Each item appearing on the agenda represents a potential change in the manner in which land may be used or developed. Significant to this process is public comment, which affords the Commission with information essential for making a determination. Your cooperation and attention to the above noted hearing procedure will ensure an orderly meeting and afford an opportunity for all to participate. Please Be Respectful! Each person's testimony is important regardless of his or her position. *All questions and comments shall be directed to the Chairperson from the podium and not to the applicant, staff or audience.*