

# MINUTES OF THE SHAWNEE COUNTY PLANNING COMMISSION

Monday, February 11, 2008  
Shawnee County Annex  
6:00 PM

**Roll Call and Announcement of Hearing Procedure:** Mike Murray, Chairman, called the meeting to order, dispensed with the hearing procedure as the members of the audience had been present for a number of meetings, asked that roll call be taken and a quorum was announced.

**Members Present:** Michael Murray, Dave Ireland, Dave Macfee, Chad Taylor and Kurt Young. With Five members present a quorum was established and the meeting was called to order.

**Members Absent:** Rachelle Vega-Retana. Bruce Henriksen arrived at 6:12 PM.

**Staff Present:** Barry T. Beagle, Planning Director and Gloria Obregon, Administrative Assistant

**Approval of January 14, 2008 Minutes, Public Meeting:** Minutes of the January 14, 2008 meeting were approved with a motion from Mr. Ireland, second by Mr. Taylor and a unanimous voice vote.

**Communications:** Mr. Beagle presented a cumulative update of the proposed accessory building amendment that showed all successive revisions to the draft from August 13, 2007, to present date. He said that document is also available for anyone in attendance that wished to have a copy. Mr. Beagle said the cumulative update did not change the latest update mailed to the Planning Commission in advance of this public hearing.

**Ex Parte Communication by Members of the Commission:** Mr. Macfee stated he spoke with Al Morris regarding the accessory building amendment. Dave Ireland relayed he had several discussions with members of the public regarding the accessory building amendment and offered no comments or opinions to the callers. Mr. Young stated he had a contact with a member of the public, which was impromptu and extemporaneous and offered no opinions.

**Declaration of Conflict of Interest by Members of the Commission or Staff:** There were no Declarations of Conflicts of Interest by members of the Commission or staff.

## **Public Hearing:**

1. **ACZR07/01 by the Shawnee County Planning Commission** regarding a proposed amendment to Article XXIX, Accessory Uses and Requirements, with respect to the size of accessory buildings and structures.

Mr. Beagle stated he would provide a brief overview as this item had been discussed a number of times in the past. The proposed amendment initially appeared before the Planning Commission on August 13, 2007, and after extensive public comment commission members voted to continue the item to their November 13, 2007 meeting and accommodate additional public input through a public work session process.

Mr. Beagle said two (2) work sessions were held on September 21, 2007 and October 3, 2007, which were productive in identifying differences between interested parties. Information gathered from the work sessions was presented to the Planning Commission at the November 13, 2007 public hearing which included proposed changes to the original draft. After additional discussion, the

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Planning Commission once again continued the item to their February 11, 2008 meeting. An additional work session was encouraged with members of the public invited to contact the Planning Director to be advised of the next work session. Another work session was held on December 18, 2007, with additional changes brought forward as part of the latest draft before the Planning Commission. Altogether, the amendment process has now spanned six (6) months and five (5) meetings not including tonight's meeting. In summary, the proposed amendment was initiated in response to constant complaints received by the Planning Department concerning the application of the existing regulations as they apply to building size and height. The amendment was felt necessary due to the highly restrictive nature of the existing regulation, which is designed more from an urban rather than rural perspective.

Mr. Beagle said that the proposed amendment has two (2) principal objectives:

1. To modify the manner for calculating the size of detached accessory buildings. He said this objective has two (2) sub-components:
  - Sever the relationship of accessory building to principal building and establish a new relationship based on parcel size.
  - Modify the manner for calculating the height of an accessory building.
2. To provide additional language reinforcing existing provisions governing the use of accessory buildings.

Addressing the first objective, Mr. Beagle said the current regulations state an accessory building is to be subordinate in area, extent and purpose to the principal building or use. Based on the existing language, the size of a detached accessory building is tied directly to the size of the principal building (house), regardless of parcel size. He said that this restriction has been problematic for larger parcels within the unincorporated area. The new proposal would shift the standard for determining the size of an accessory building from the principal building to the size of the parcel, and in general the larger the parcel the larger an accessory building could be.

Mr. Beagle said the proposed amendment introduces a new approach by establishing a maximum square footage of all accessory buildings on a parcel based on parcel size. The new approach attempts to maintain a proper relationship between the size of accessory buildings and the parcel they serve. Mr. Beagle said the current proposal establishes a maximum floor area limitation of all accessory buildings on a parcel as follows:

- For parcels 3 acres or less in size, the maximum floor area of all accessory buildings is 3% of the total lot area. This has been modified for parcels less than or equal to 1 acre in size which will be addressed in a moment.
- For parcels greater than 3 acres the maximum floor area of all accessory buildings is 3,920 square feet for the first 3 acres and continues to accrue at 1.5% per acre or an additional 653 square feet for each acre above 3 acres.

At the last public hearing on November 13, 2007, the Planning Commission acted to amend the proposed amendment by increasing the maximum permitted size of an accessory building to 1,200 square feet on parcels less than or equal to 1 acre in size. Mr. Beagle then displayed a table depicting the maximum square footage of accessory buildings on various sized parcels, which is part of the current draft.

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Mr. Beagle summarized the current draft proposal concerning the calculation of accessory building size as follows:

- For parcels less than or equal to 1 acre accessory buildings shall be permitted a maximum size of 1,200 square feet.
- For parcels between 1 and 3 acres the maximum floor area of all accessory buildings would be set at 3% of total lot area.
- For parcels between 3 and 10 acres, the maximum floor area would be 3,920 square feet for the first 3 acres and 1.5% per acre (653 square feet) for each additional acre above 3 acres.
- For parcels greater than 10 acres, an unlimited amount of square footage is permitted provided no individual building exceeds 6,000 square feet.

The second component part of the first objective size concerns the manner in which the height of accessory buildings is determined. Mr. Beagle said the existing regulations currently limit the height of an accessory building to 20-feet, regardless of building size. Assuming a pitched roof, this height limitation affects sidewall height and the height of door openings. This, he said, has led to difficulties accommodating RV's and similar types of vehicles. In response, Mr. Beagle said sidewall height was introduced to allow incremental increases in building height based on building size. The initial draft proposed limiting total building height at 180% of sidewall height, nearly twice the permitted height of the sidewall. Mr. Beagle said it was noted through public comment that building height based solely on a percentage of sidewall height is incomplete; roof pitch and span width must also be considered.

At the November 13, 2007, public hearing, Mr. Beagle said the Planning Commission made a second revision to the proposed amendment by increasing the sidewall height of all accessory buildings to 16-feet. Having established maximum sidewall height, it did not resolve the issue of how total building height is calculated. As a result of the December 18, 2007 work session, discussion began to focus on how to incorporate roof pitch and span width into the calculation of total building height. It is recommended that total building height be based on a combination of sidewall height, roof pitch and span width. In general, a wider building will be taller than a narrower building at the same roof pitch. These combination of variables have replaced the original proposal which set building height at 180% of sidewall height.

As proposed, Mr. Beagle said that total building height would be calculated as follows:

- Buildings and structures accessory to a residential use shall be subject to a height limit based upon a gable-roof design with a roof pitch not exceeding 6/12. Based on earlier comments, 6/12 appears to be a common roof pitch height. Continuing, he said span width refers to the cross-section end width of the building or that side of the building with the least dimension. No portion of an accessory building or structure can exceed a total building height, based on a formula that establishes total building height based on a combination of span width, sidewall height, and roof pitch. Roof designs other than cross-gable are permissible provided the total peak height does not exceed the calculated building height.

To conclude his presentation on the first objective, Mr. Beagle reiterated the exception provision incorporated into the proposed amendment at the November 13, 2007 public hearing. As introduced, the exception provision not only grandfathers existing accessory buildings but would allow them to be rebuilt regardless of the maximum floor area allowance if they were originally

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constructed in compliance with the regulations then existing, or, were granted a variance which allowed for the square footage of the existing building. Given past inconsistencies regarding the issuance of building permits for accessory buildings, the Planning Department would recognize those structures having been granted a building permit as being compliant with the regulations then existing.

Mr. Beagle said the second objective is to further clarify the purpose and intent of accessory building as currently defined by the zoning regulations. He said the existing regulations currently limit an accessory building to a use incidental and subordinate to a principal use on the property. If, for example, a property is occupied by a single-family dwelling (principal building), an accessory building may only be used in direct support of the dwelling. The existing language, he said, has not prevented people from converting accessory buildings to non-authorized uses such as home use occupations, which are to be confined to the home, or commercial businesses. Mr. Beagle said new language is proposed that is intended to reinforce the intended relationship between accessory and principal buildings. The new language is more straight forward by stating no accessory building may be rented or used for any business, profession, trade or occupation, nor shall it be used for any residential living purposes.

Mr. Beagle concluded by saying all other changes that were proposed at the November 13, 2007 public hearing, such as elimination of reference to separate kitchen facilities, have been incorporated into the current draft.

Mr. Young, asked Mr. Beagle if there was a typo on page 5 of the handout they received in their packets, paragraph one as it states "*Setback from property lines. Where the accessory building is attached to the principal building, it shall be subject to, and must conform to all regulation of applicable to the principal building.*" Mr. Beagle relayed it should be corrected to state "*all regulations applicable to the principal building.*"

Mr. Murray then opened the hearing for public comment and called for those who wish to speak in favor of the proposed amendment. With no one appearing in favor, Mr. Murray then called for comments of those wishing to speak in opposition of the proposed amendment.

Duane Hoover, Hoover Construction Company, 2700 SE 45<sup>th</sup> St., Topeka, KS, questioned a statement on page 1 of the handout the public had received, saying sentence C mentions business or industry in the principal building, which he thinks should be stricken.

Mr. Beagle explained that the accessory uses and requirement chapter is applicable to all zoning districts and is not exclusive to the agricultural or residential district. Mr. Beagle further explained to Mr. Hoover the language is stating an accessory building has to be accessory to the principal use, which also includes business, industry, etc., and one can not have a principal use on "RA-1" Rural Agriculture District, or "RR-1" Residential Reserve District zoned property that allows for business applications.

Mr. Hoover also questioned the reference to a "zoning lot" in sentence D stating he does not think the language is necessary as they are speaking about an accessory building for a home. He is concerned about limiting the height of a building to 29-feet, and stated the minimum requirements for a shingled building is a 3:12 roof pitch and if one had a building 60-feet wide the nominal size would be 60'X100' but it is not unusual for his clients to request a 100'X60" building and to impose the limitation of 29-feet, then we are telling the public what we are designing the roof to be. Mr. Hoover

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believes the amendment limits the type and design of the roof and believes we are engineering somebody's building for them, and that should be left up to the public.

Mr. Beagle countered Mr. Hoover's statement by saying that the draft proposal is trying to establish total building height based on a combination of sidewall height, roof pitch and span width. The original draft recommended limiting total building height based on 180% of sidewall height. It was brought out that total building height based on a percentage of sidewall height was incomplete and that roof pitch and span width must be factored in along with sidewall height. Mr. Beagle said the maximum height of 29-feet would be based upon the 180% standard as applied to a 16-foot sidewall. He said the original 180% standard is proposed to be replaced by the combination of sidewall height, span width and roof pitch. Mr. Hoover corrected himself and said he read the chart backwards that Mr. Beagle had displayed and assumed staff was taking a maximum height of 29-feet. Mr. Young commented one example Mr. Beagle had on his chart showed a height of 41-feet on a peak height. Mr. Hoover said that was fine as he now understood the chart.

Mr. Hoover questioned the reference to alleys and other such verbiage as he does not think there would be alleys in a 3-acre lot. Mr. Beagle stated the reference to alleys is part of the current regulations and is not something he introduced. Mr. Hoover asked if the word *alleys* would be eliminated as it refers to city regulations. Mr. Beagle replied that is his point with the amendment as the regulations come from an urban perspective, which is why the regulations need to be changed, but what he tried to do was to specifically address the issues associated with building size. Mr. Hoover asked if the wording referring to *alleys* would be addressed later and Mr. Beagle said he agreed there are really no alleys in the unincorporated area, but that was not part of his original focus so he left the wording from the current regulation as is.

Mr. Ireland asked Mr. Hoover if he attended all the work sessions, to which Mr. Hoover acknowledged he had. Mr. Ireland asked if Mr. Hoover had made the comment "Let the builder and the manufacturer design their buildings", and does he feel the formula presented by staff is getting into design. Mr. Hoover, said "No" he did not and the 6:12 pitch would not affect his buildings as he is primarily all steel, and they try to maintain a 4:12 roof pitch or less. Mr. Hoover said there are some neighborhoods that require all their buildings to be at least a 12:12 pitch, which is being limited by the 6:12 pitch proposed in the amendment. Mr. Ireland asked for an example of a 12:12 pitch roof, and Mr. Hoover stated that southeast at 53<sup>rd</sup> Street and Croco Rd, there is a development area with expensive homes, and a 12:12 means that for each 12-foot wide one goes 12-feet in the air, so it is a 45 degree angle which is considered an esthetic value. Mr. Hoover also commented the 6:12 pitch means that one can only go up 6-feet for each 12-foot of width and the 12:12 pitch is generally the developers idea of what they think is best for the neighborhood.

Mr. Beagle said he understands circumstances such as the one Mr. Hoover presented will arise, and for that reason the exception clause was included with the amendment. What staff was trying to do was to craft regulations that have county wide application in a general sense, rather than plan for the exception, and a 6:12 pitch would probably capture the majority of accessory buildings. If someone wanted to exceed that, through the exception provision, which is not as stringent as a request for a variance, there would be the opportunity to request a steeper roof pitch.

Mr. Hoover asked who determines what the integrity and existing character of the neighborhood is and it is an open statement and hard for him to accept. Mr. Beagle said that in the proposed amendment he was trying to provide a mechanism that would allow for someone to request to build beyond the boundaries of the standard governing building size and height, and there needs to be a

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rational criteria by which to evaluate, within the context of a neighborhood and that of the surrounding properties, what is considered appropriate. we are going to recognize the character of the neighborhood. In other words, based on neighborhood character, is the requested exception allowing for a larger and/or taller building benefiting the property owner to the exclusion of everyone else adhering to the standard? The only way staff could think of to address that issue was to consider how the proposed exception relates to the established neighborhood character and use of surrounding properties. Mr. Hoover asked who has the power to make that determination? Mr. Beagle said the Board of Zoning Appeals, which is comprised of a seven member body and it is up to their interpretation as to whether the issue before them is consist and compatible or out of character. Mr. Beagle also explained that regarding the Planning Department, they would look at the size and height limitations prescribed by the regulations and would not resolve the "character" issue which is for the Board of Zoning Appeals to decide. Anyone wanting to exceed the limitations would file for an exception and "character" would then be resolved by the Board of Zoning Appeals.

Mr. Hoover said someone recently approached who owns 3-acres and is not able to build a home on it at this time, but would like to maintain the ground by storing his tractor, mower, etc and needs more than 150-square feet to store his equipment. The current proposal states one can only build a building no more than 3 months before he builds his home, which would not let him maintain his ground and he does not feel that is a fair regulation.

Mr. Beagle stated that provision of the existing regulations is not proposed to be modified as it is existing language and has been in effect since 1992. Mr. Beagle said that it frequently happens that an accessory building is constructed without a building permit, or a building permit is sought to construct an accessory building on residential property, which the applicant declares to be used for ancillary storage for the residence, however, the building is never devoted to that purpose. Instead the building is converted to an illegal home use occupation or a commercial business that then causes a complaint to be filed with the Planning Department. Mr. Beagle said that in unincorporated Shawnee County, property should being reserved for its primary purpose, that is the investment of a residential property, and do not want an accessory building constructed for storage and the owner never getting around to actually building a house. Once an accessory building is constructed it creates the temptation for a commercial enterprise, therefore, his recommendation would not be to modify the existing standard. Mr. Hoover asked Mr. Beagle if it was legal to store materials on a lot without a roof over it? Mr. Beagle said it would be possible however, if the property gets in a condition where it constitutes a nuisance, then it would become an issue for the Shawnee County Health Agency.

Mr. Hoover said he built his own home and it took him a long time to accumulate material, which sat outside and some items became unusable during the time as they were outside in the weather, and it did accumulate rats and snakes, etc and he felt it would feasible to allow the public to build a building to store their materials while they are attempting to build their house. Mr. Ireland asked if the owner has 3 or more acres, and he can not afford to build right now and is acquiring materials, he could place a semi-trailer truck or container on the property to store his materials. Mr. Ireland said he has a problem with because he knows of various properties that have storage containers setting on them because they were denied a building permit, and that to him is a nuisance. Mr. Ireland believes we are telling the public we would rather see semi-trailers on the property and storage containers on 3-acre properties until one can build their home, rather than have a nice 30'X40' or other sized steel building. Mr. Beagle stated he is only indicating what the tract record has been for accessory buildings being built in the past before the home was constructed and said he is not opposed to revisiting that specific question and believes it will require considerable thought

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to try to come up with something reasonable that would not lend itself toward past practices, where someone builds a nice large building, but their plans to build a home are never completed, so they now want to sell their property to someone else who can take advantage of a big building. Mr. Beagle said he would not want to stall or delay the proposal at hand and that particular question could later be addressed. Mr. Murray said the above question has come up in previous work session meetings, but they should stay focused on the proposal tonight.

Fred Sanders, 2525 SE 41<sup>st</sup> St., Topeka, KS, asked Planning Commission members not to pass the proposed amendment as is because he has a lot of problems with the proposal. He said he keeps hearing the regulation was put into effect in 1992, but it doesn't matter when it was put into effect, it is still not a proper document. Mr. Sanders said the document is the same as the city code books and was designed for an incorporated area, not designed to cover the acres in the county, Mr. Sanders relayed acreage for the county and the city and said he believes the document is a city document and the first page of the document refers to the "character of the neighborhood" and the phrase "make sure the property is not incompatible with the land uses and character of the neighborhood, which he does not believe is applicable to the county. Mr. Sanders said he sees the document as land owners giving their rights to the Planning Department and the Planning Department has more rights or say so about a piece of land that one owns and he believes that anything more than 3-acres in the county is farm. He also said the original proposal spoke about 20 acres and now that has been eliminated and the proposal says "greater than 10 acres".

Mr. Sanders said he believes that when most people build an accessory building need to consider the fact they are causing a nuisance condition because it is not allowed to happen, and most people who own 3-acre tracts or more in the county as having a healthy investment and do not intentionally destroy their investment. Mr. Sanders also believes if one needs to build a building first, he thinks they should have the right to do that we should not go from an urban code to a rural code and then back to a city code. He also pointed out the proposal states a building can not have a glare from an artificial illumination or reflection of natural light and most buildings in the county put aluminized or galvanized metal on the roof and sometimes on the sidewall, and he does not think the buildings will be built close enough to the city that it will affect a neighbor. Generally, if one has less than 3-acres of ground one is generally inside a platted area, which have rules and regulations within the plat. It also states that agricultural buildings such as barns, silos, bins, sheds and machinery sheds shall not be considered accessory buildings, so that is telling him the only buildings to be considered farm buildings are the five mentioned. He also questioned the statement all farm buildings shall comply with the district yard requirements which is a term he is not familiar with. He also asked about the verbiage addressing the neighborhood and design location, size, proportional building between the size of the principal building, partial and street frontage and the size of the accessory structure, which puts this back in the city. Mr. Sanders referenced several other statements in the document, which he said represents city codes and he does not feel the document is ready to move forward and the document should be written as a farm document.

Mike Kozubek, 5815 NE Shafer Rd, Topeka, KS, stated he has been a resident of Shawnee County since 1971, and believes there are places for rules, regulations and zoning which is needed by the city. His retirement dictated he have a little bit of land and large accessory buildings to pursue his own interest. He stated he lives in an airport community and has 2 accessory buildings on his property, one building being 4,200 square feet and the other occupying 1,500 square feet. He states that at this time if the proposal is accepted he can not build any more buildings on his property because he exceeds 6,000 square feet at this time. He currently has 3-acres consisting of 127,000 square feet and 6,000 square feet in accessory buildings and can not build another accessory

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building. At present he wants to build a 12'X16' shed to house tools, etc and if the amendment is passed he will not be permitted to do it. He could build a smaller building with only 150 square feet, but it will not suite his needs for something that he wants to do on his property which he pays taxes on. He said they (work session members) have been fighting the issue and hassling since August 13, 2007 and there have been quite a few concessions, but the basic thing at stake is government telling the individual property owner what to do. What he saw tonight was the county getting involved into architecture, mentioning sidewalls, pitch's and so forth, and he believes the county is dictating to him what he can and can not build, and if he has a need to build something more than 6,000 square feet on his property he should be allowed to build it. He also stated everyone should be allowed to build whatever they want on their property.

He told commission members to consider who they serve, who is their master? Is it government or the people in the county, which they should be taking care of and listening to. Mr. Kozubek said they have beaten a lot of people down as the first public hearing there were over 65 people present and he didn't know if weather was keeping people away, but everyone he talked to feels the same way as they did back in August. He said the problem is that they are getting tired of being beat down by government, one postponement after another until no one is present to argue in opposition, but they still feel that way. Mr. Kozubek said the problem on the books was that you could not build a building in excess of what the square footage of your house was, and does not know when that came into effect, because when he built his buildings he was awarded a building permit for his accessory buildings and the law was not in effect then, and the law should be rescinded so people can build whatever they want to build.

Richard Maginot, Fire Chief and Administrator of Soldier Township, 600 NW 46<sup>th</sup> St., Topeka, KS, said he has property on NW Topeka Boulevard, which he will eventually retire and move into, and he will be constructing some out buildings on it. Mr. Maginot raised the question of why the 3% staff is recommending, and he is of the understanding it came from looking at other places around the country, which was their standard. Mr. Maginot believes that 3% is too small and could the percentage be increased to 10%, which he believes is reasonable.

Mr. Beagle said he tried to look at other communities in Kansas as well as across the country to determine how they determined an appropriate size or percentage of parcel size for determining accessory building size and it appeared 3% of parcel size was a good number. He also said the original recommendation was set at 1.5% but at the November public hearing it was increased to 3%, which for a 3-acre parcel would allow up to 3, 920 square feet of accessory building size and for a 2-acre parcel would allow 2, 640 square feet. Mr. Beagle commented his objective was to try to honor the purpose and intent of the accessory building chapter in that accessory buildings by size should remain accessory to the principal use of the property and 3% seemed to be a reasonable number.

With no further public comment, Mr. Murray closed the public hearing.

Mr. Ireland had asked Mr. Beagle if he had a copy of the regulations as they are today, and Mr. Beagle asked if there was a specific section he was looking at. Mr. Ireland told Mr. Beagle he made a comment back in a previous meeting that a couple of words could be stricken, and did he remember the two words as it relates to our present proposal. Mr. Beagle said eliminating the word "area" in Sec. 29.00(b) and eliminating Sec. 29.02(5), maximum height, a property owner could build whatever size and height of accessory building they wanted.

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Mr. Young commented they have come a long way since the original proposal was presented on August 13, 2007, and in all the years he has sat on a Planning Commission, whether with the city or county, he does not know of a topic that they have received as much good input and had as many opportunities for work sessions as with this proposal. He said that this has been a healthy process. Mr. Young said some comments he heard tonight may need to be addressed at a later date, which is admirable to the process and he would like to thank the gentlemen who have been involved from the first hearing for their input, and he thinks they are close regarding the issue. Mr. Young also stated he can not answer Mr. Kozubek's concern that he believes nothing should be done or take the regulation off the books, but he thinks they should look into the future of Shawnee County. Mr. Young stated he thinks they are very close to having a document tonight that he is comfortable with and he reiterated his thanks for the diligence of the public and their hard work in striving to get to this point.

Mr. Ireland said he also wanted to extend thanks to the public as they have attended the public hearings as well as the work sessions. He said Mr. Kozubek was right in that they have lost the muscle, people in coming to the public hearing and said as he stated in ex parte he has talked to people and one of their comments was they got tired of driving down here and fuel prices and they thought we weren't doing anything to their benefit. He said a comment given to him was "Well the thing is already cut and dried anyway", and Mr. Sanders and Mr. Hoover both brought up points that the plan rights were designed and the county was getting into the architectural business. Mr. Ireland commented the documentation that brings in alleys is basically revamped and the county regulations were originally from the Metropolitan Planning Commission and they went through and cut a lot of reference to the city, but he does not feel the document is ready. Mr. Ireland said he could ask Mr. Maginot how many streets and alleys he has in Soldier Township and it would probably be zero. Mr. Ireland said they have been here since August of 2007 and he was not going to vote in favor of the document and does not know where they go from here. He said there are more people against it than for it and he would like to take out the word "area" and send it on to the County Commission to see what they think of it. Mr. Ireland quoted Mr. Kozubek by stating "Are we their masters or they are servants", and it didn't really make any difference whether it was the Planning Commission of Shawnee County, because government is becoming our master, master, master and less and less of our service and he would be voting No.

Mr. Macfee relayed he feels it is time to vote the proposal up or down and move it on and he keeps going back to the regulations we are currently working under are much more restrictive than what is before them tonight and they are causing a burden to builders. He stated as a fairly new planning commissioner it has been an interesting process and thanked everyone for their involvement, including Mr. Beagle and his staff and thinks the proposal tonight is better from the last work session, which a lot of people turned out for. Mr. Macfee also said he did not think it was the case that anyone intentionally trying to wear anybody down, and it has been a tough process, which has gotten better for the time that was taken, and he will be supporting the proposal as he thinks it is time to vote the item up or down and move on.

Mr. Henriksen commented the constitution was an imperfect document when written and has since then had 27 amendments to it, so the document before them is an improvement over the old document, which is not saying it's perfect, but it is better and probably has room for improvement. He does not think commission members should sit on their hands and do nothing and they need to vote in favor of the proposal, and if it needs to be amended, that could be done later.

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Mr. Young said he wanted to address a comment that has come up several times that they are wearing people down, by the same token he has had people that were at previous meetings tell him they have addressed their concerns and they were satisfied with what has been done. He believes it is unfair to state the reason they have gone from 65 to 5 public members is because they wore out the other 60 as he thinks the concerns of previous public members have been addressed with some of the changes that have been made. Mr. Ireland said he agreed with Mr. Young's comments.

Mr. Murray asked if there was a motion. Mr. Macfee motioned for approval, second by Mr. Henriksen and without further discussion the proposal was **Approved** by a vote of **4-2-0** with Mr. Ireland and Mr. Taylor Dissenting.

Mr. Beagle relayed the item would be forwarded to the Board of County Commission for their consideration on March 3, 2008.

**Public Comment on Non-Agenda Planning and Zoning Items**

There were no comments offered.

**Discussion of Planning Related Issues**

**US 24 Highway Corridor Study.**

Mr. Beagle said this item was put on mainly for informational purposes and to make sure the Planning Commission was aware of this joint planning project authorized by the Metropolitan Topeka Planning Organization. He said the MTPO which is the controlling entity for the distribution of federal funds for transportation improvement projects. The MTPO planning area includes not only the City of Topeka, but a large portion of the unincorporated area as well.

The US 24 Highway Corridor Study will provide a comprehensive look at the highway corridor extending between NW Huxman Road on the west to K-4 Highway on the east, and for one mile north and south of the highway alignment. The result of the study, which is expected to take up to a year to complete, will be a corridor plan for access management, circulation and land use. The plan may result in some recommendations that would affect city and county land use regulations in order to implement. A Corridor Advisory Committee is being assembled that will consist of members of the County Planning Commission, City Planning Commission, City Council, County Commission, etc. He said the Planning Commission is expected to appoint two (2) members to serve on the Corridor Advisory Committee. The committee will provide benchmark reviews of the draft document and provide input on the development of the plan throughout the process.

Mr. Murray said that he and vice-chair Dave Macfee will serve as the two appointments to the committee.

**Adjournment:**

Mr. Taylor motioned for adjournment, second by Mr. Henriksen and with a unanimous voice vote the meeting was adjourned at 7:30 pm.