

MINUTES OF THE SHAWNEE COUNTY PLANNING COMMISSION

Monday, October 13, 2014
Shawnee County Annex
6:33 PM

Roll Call and Announcement of Hearing Procedure: Brian Jacques, Chair, called the meeting to order, reviewed the hearing procedure, and asked for roll call to be taken.

Members Present: Brian Jacques, Dave Macfee, Pat Tryon, Christi McKenzie, Lynn Marolf, Nancy Johnson and Matt Appelhanz. With seven members present a quorum was established and the meeting was called to order.

Members Absent: None.

Staff Present: Barry T. Beagle, Planning Director; Anna Ortega, Zoning & Floodplain Administrator; Joelee Charles, Administrative Assistant and Ashley Heidrick, Assistant County Counselor.

Approval of September 8, 2014, Public Hearing Minutes: Ms. Johnson moved for approval of the September 8, 2014, public hearing minutes, seconded by Ms. McKenzie and, with a unanimous voice vote, the minutes were approved.

Communications: There were no communications by staff.

Ex Parte Communication by Members of the Commission: There were no Ex Parte communications expressed by members of the Commission.

Declaration of Conflict of Interest by Members of the Commission or Staff: Mr. Appelhanz stated he was recusing himself on Item 2.-Z14/02 by Kansas Home Development, LLC because he owns property within a 1,000 foot radius of the proposed property.

Zoning and Subdivision Items:

- 1. Bauer Subdivision (Preliminary and Final Plat Phase) [P14/01]** by Callahan Construction Inc. for property located on the east side of NW Topeka Boulevard, approximately one-half mile south of NW 82nd Street, in Soldier Township.

Mr. Jacques asked for the presentation from staff.

Mr. Beagle stated the continued September item was from Callahan Construction who was seeking plat approval for a partial replat of Lot 1, Lierz Addition, to establish a one-lot subdivision. The 2.97 acre lot would be used for the construction of a single family dwelling. An existing single family dwelling would be split out to build the second dwelling. The rectangle plat with 312 foot of frontage was on Topeka Boulevard and extended to a depth of about 393 foot. The proposed plat left about 25 foot of Lot 1, Lierz Addition, along the south boundary that wrapped around the subject lot and had frontage on Topeka Boulevard. There was a 100 foot wide overhead power line easement that bisected the northeast corner. He said the plat design conformed to the standards and conditions of the subdivision regulations. Public Works requested 52½ foot of right of way be dedicated and was a condition as part of Staff's recommendation for approval. He recommended the Planning Commission approve the preliminary and final plats for approval.

Mr. Jacques asked if anyone had any questions. Ms. Johnson asked if the configuration would be similar to Lots 4 and 5. Mr. Beagle said it was a replat of Lot 1 only.

**MINUTES OF THE
SHAWNEE COUNTY PLANNING COMMISSION
Monday, October 13, 2014**

Mr. Jacques asked if the applicant was present.

Mr. Kevin Callahan, Callahan Construction Inc., 3016 NE Meriden Road, Topeka, KS 66618.

- Mr. Bauer purchased the property under the pretense that it was a viable building lot.
- In the process of getting the building permit, found out it had never been platted and approved.
- If not approved, would be punishing Mr. Bauer for something he had no knowledge of and something someone else did.

Mr. Macfee asked Mr. Callahan if he supported the change in right of way. Mr. Callahan said it was fine.

Mr. Jacques asked if anyone wanted to speak in favor or in opposition. With no one responding, the public meeting was closed.

Ms. McKenzie moved to recommend Approval of the proposed Subdivision; seconded by Mr. Macfee. With a vote of **7-0-0**, the item was recommended for **Approval**.

2. Z14/02 by Kansas Home Development, LLC requesting to amend the District Zoning Classification from "RA-1" Rural Agriculture District to "PUD" Planned Unit Development District (commercial usage) on property located at 3010 NW 62nd Street in Soldier Township.

Mr. Beagle provided the following comments as part of his staff report:

- Applicant was requesting to reclassify the 3.22 acres from RA-1 to the flexibility of a PUD to provide for the adaptive reuse of a notable structure in the Elmont community.
- The zoning would be changed to a C-3 Commercial District but limited solely to the acquisition, restoration and wholesale sale of vehicles with no other use allowed and no other structures proposed.
- Applicant wants to retain as much of the property's historical context including the restoration and retention of a water tower and concrete lined lagoons.
- Anchoring the south end of the Elmont community, the 8,400 square foot structure was built by Sinclair Oil Company in 1923 as a pump station along an oil pipe line and operated until it was closed in 1931.
- The property has been used off and on during the years for various business purposes.
- It has never been classified for commercial zoning and has retained its existing zoning classification since 1968. Since the business use has not been continuous, there were no grandfather rights.
- The site's present classification was consistent with the surrounding area; however, the building size presented limited opportunity for reuse within the RA-1 District.
- To minimize conflict, the exterior display and storage of vehicles were prohibited as well as parts, materials, equipment and supplies.
- There were a number of restrictions contained in the PUD which act as safeguards to protect and promote the integration of the building and its use into the surrounding area.
- The reclassification would legitimize the business use of the building while incorporating the safeguards to minimize potential negative impacts.
- Staff did not anticipate any negative impacts.
- Issues that would need to be addressed:
 1. PUD district regulations required that off-street parking be provided at a ratio of one space per 200 square foot. With 8,400 square feet of floor area, 42 parking spaces were needed. With the restricted PUD, Staff would support a variance in conjunction with the request to reduce the number of parking spaces from 42 to 10 spaces.
 2. The Public Works department requested additional dedication of right of way on 62nd Street, Elmont Road and Church Lane. A 670 square foot dry storage building located along Northwest Church Lane was located within 10.4 foot of the newly dedicated right of way. The setback

**MINUTES OF THE
SHAWNEE COUNTY PLANNING COMMISSION
Monday, October 13, 2014**

conflicts with a 30 foot perimeter setback requirement of the PUD district. Since it was an existing structure, Staff would support the granting of a variance for the setback requirement.

3. A plat of subdivision needed to be approved and recorded prior to the commencement of the property's proposed use. The PUD presented the opportunity to formally integrate this structure and grounds into the Elmont community by allowing for a restricted use compatible with the surrounding neighborhood. The alternative would possibly be the deterioration of the building with its limited potential use presently restricted by the RA-1 District.
- Accordingly, staff recommended the proposed reclassification be approved subject to compliance with the recorded Flerlage Master PUD Plan, approval of a variance to reduce the required number of parking spaces from 42 to 10, approval of a variance to reduce the perimeter setback and approval of a plat of subdivision.

Mr. Jacques asked if they would be approving all three items. Mr. Beagle said they would. Mr. Jacques asked if there were any questions for Staff. There were none. Mr. Jacques asked for the applicant's comments.

Mr. Doug Flerlage, Kansas Home Development, LLC, 4500 NW 62nd Street, Topeka, KS 66618.

- Starting a business with his brothers to restore vehicles and sell.
- Went to look at an old truck and found the building for sale.
- Building had a lot of issues.
- Didn't want to have a car lot.
- Wanted to put a few cars outside when it was nice.
- Would not have any staff.
- Would be delivering finished cars to another location for them to sell or posting them on the internet.
- Had always wondered what the building was and wanted to keep the building the same.
- Learned the history of the building through the community.

Mr. Macfee asked Mr. Flerlage how long he owned the building and if he was running the business now.

Mr. Flerlage said he has owned the building since March but was not conducting business yet. Vehicles were stored inside. He promised the guy he purchase the building from that it would be named Elmont Classics and had a sign to put up out front.

Mr. Macfee asked about putting the cars out front and how many.

Mr. Flerlage said on nice weekends he wanted to put three or four cars out to show them off. They had moved some outside and people drove by and honked. He wanted to have a cruise night or car show a few times a year but didn't want to charge money for it.

Mr. Macfee asked where the cars would be placed outside.

Mr. Flerlage said the cars would be set further back and placed between the driveway and the water ponds. Cars would be placed outside at times when they moved stuff around inside which was not easy due to the building's inside configuration. They intended to keep everything inside. The property was surrounded by the road. When you drove around it, you could see all around it. He couldn't promise that everything would be hidden but wanted to keep it clean and nice looking. His dream for the future was to put up a big building to keep everything inside.

Mr. Beagle said he had met with Mr. Flerlage in advance to discuss the possibility of displaying vehicles outside and the possibility to accommodate some limited outdoor storage.

**MINUTES OF THE
SHAWNEE COUNTY PLANNING COMMISSION
Monday, October 13, 2014**

Mr. Beagle said new language was added for the Planning Commission to consider regarding the permitted use to include the exterior display of two vehicles only during business hours. Mr. Flerlage said the vehicles would never be left out at night.

Ms. Heidrick asked Mr. Beagle if business hours were defined. Mr. Beagle said they were not. Mr. Flerlage said they really didn't have any business hours because they were not open to the public.

Mr. Beagle said they never really discussed business hours and his staff recommendation was based off their previous discussion. It was his understanding that everything would be confined to the building. Now there was a request for at least two vehicles to be displayed during the day as well as a screened in area on the back side of the building to allow for storage of materials, vehicles, etc.

Mr. Flerlage said if there was a surplus of stuff, they wanted to fence it in. It was just cleaned up from looking like a junk yard.

Mr. Beagle said if they accommodated exterior storage, they wouldn't want to compromise all the restoration work that was completed. They ultimately wanted a use of the building and property that would integrate well with the neighborhood. There was to be no exterior parts, materials, etc. outside. If extra storage was needed, a six foot high screened fence (privacy or chain link) would be proposed.

Mr. Macfee asked if there was a fence there now. Mr. Flerlage said a block wall that has since fell over was there when he bought the building.

Mr. Beagle said those were the two changes being proposed as well as a stipulation for an apartment unit in the southwest corner to be used by the business owner and employees.

Mr. Flerlage said it was an old mezzanine that was closed off with a kitchen added. His brother stayed in it to provide security 24 hours a day since they weren't there every day. They still worked full-time jobs. They weren't going to rent it out but use it as more like a space for a night watchman. He said the building sat empty for so long and was unlocked. The windows were shot out. They wanted people to know it was being occupied.

Ms. Ortega asked if there was a septic system. Mr. Flerlage said it was located in the southeast corner of the building and had passed inspection. They wanted to redo it in the future because it was old.

Ms. Ortega said it was in the flood plain and anything they updated would need flood plain development permits and possibly DWR permits from the State. Mr. Jacques asked if those would be needed to build the fence. Ms. Ortega said they would. Mr. Flerlage was not aware of that but would get what was needed.

Mr. Beagle summarized the changes not included in the original plan that were being proposed:

1. Allow two vehicles to be displayed outside during the day time and define what the day time was.
2. Add the second story mezzanine dwelling unit. It was not on the PUD Plan presented to them.
3. Allow for a screened in storage area in the back of the building.
4. Allow for signage to be placed on the front entrance of the building.

Mr. Beagle said these were the safeguards that were built into a PUD that defined items such as lighting, off-street parking, signage, etc. These details were included in the PUD Plan itself.

Mr. Flerlage stated the sign said Elmont Classics with a logo and included no phone number. He said the use of the structure goes hand in hand with the building's original use. He hoped to get some of the

**MINUTES OF THE
SHAWNEE COUNTY PLANNING COMMISSION
Monday, October 13, 2014**

old Sinclair memorabilia and put it inside. He said he didn't really want long-term storage. He asked if it would get him in trouble if he put something outside for a couple of days or a week and someone drove by and said it wasn't to code and his main worry.

Mr. Jacques said if they were not in compliance, Planning would get notice and would notify them that they weren't in compliance.

Mr. Beagle said the notes in the PUD Plan indicated there would be no outside storage so it would need to be a specific change to allow for the exterior storage under the screening.

Mr. Macfee asked if the cost of the fencing had been checked. Mr. Flerlage said he had not but had a decent idea of how much it would cost. He said he wasn't sure about it because he didn't know if he wanted to take away from the look of the back of the building.

Mr. Macfee asked what he planned to put outside. Mr. Flerlage said occasionally they would get an old vehicle they didn't want to put inside. Sometimes they would be purchasing them to have spare parts. He didn't want to take up the room where they were working inside. He said he would like to add another building some day that wouldn't take away from the main building in order to house parts.

Mr. Macfee asked if they would have parts of a vehicle outside. Mr. Flerlage said they wouldn't be putting frames outside. He said they were working on a small scale and wouldn't be able to go buy a large number of cars at once.

Mr. Macfee asked if there was water coming off the building into the two retention ponds. Mr. Flerlage said originally there were three huge diesel pumps--two ran constantly and one was a backup. All the drains and vents on the building went underground and filled those up when it rained. They would pump the water back in to cool the diesel engines. He said they wanted to clean up some more areas and do some landscaping. He said there were ducks that came once a year to lay their eggs.

Mr. Jacques asked if there were any more questions for the applicant. With no further questions for the applicant, Mr. Jacques asked for public comment from anyone in favor of the item. There was no one to speak in favor. Mr. Jacques asked if there was anyone to speak in opposition.

Mr. Rodney Jones, 2921 NW 62nd Street, Topeka, KS 66618.

- Bought property at an auction from Mrs. Cuevas in 2008.
- Purchased the property as a wildlife refuge to enjoy and would be building a home when he retired.
- Had no opposition to the business itself.
- Concerned about the painting and bodywork of the vehicles as well as paint fumes.
- Asked if they were going to follow EPA regulations.
- Questioned the number of employees.
- Wanted more information about the business in writing.
- Requested a copy of the PUD criteria.
- Didn't want it to turn into a junk operation.
- Has offered to buy Elmont Grade School which was located near his property to clean it up since the grass was not mowed and looked like a junk refuge.
- Opposed to the rezoning issue and wanted it to remain agricultural, not commercial.
- Concerned about more businesses being located there.
- Felt other buildings in Shawnee County would be perfect for this type of business
- Asked if there were other commercial buildings within a 3-4 mile radius other than on 46th Street.
- The previous owner had used it like a community center.

**MINUTES OF THE
SHAWNEE COUNTY PLANNING COMMISSION
Monday, October 13, 2014**

- Knew that car restoration required auto body putty filler, fiberglass, lacquers, different polymers, washing cars/motors, etc.
- Concerned about the runoff since there was a creek nearby and has hunted there.
- Said his neighbor at 2828 was opposed to the proposal but couldn't attend the meeting.
- Concerned about it would bringing more traffic to the area from the city.
- Currently lived in Kansas City and this was his weekend retreat.
- Took care of handicapped individuals and brought them here to get out of the city.
- Leases out his property for the hay and crops.

Mr. Jacques stated he wanted to make sure the speaker understood the proposal limited this type of business as commercial to this location only.

Mr. Jacques asked if anyone from the Board had any questions of the applicant. There were none.

Mr. Beagle, in response to Mr. Jones' comments, said he wanted to preserve the character of the area as much as possible. The property could keep its existing classification of agricultural. If they were going to legitimize any type of commercial business use of the property, they couldn't do that under the existing classification. If the property was vacant, there would be no reason to consider rezoning the property at all since there was nothing commercial associated with it. What made the property unique was the old 1923 structure that was a local landmark in the Elmont community. The idea was through the PUD what type of limited use would make the property compatible with the neighborhood and not be a deterrent. If that building wasn't there, there would be no reason to consider this for reclassification.

Mr. Flerlage said the apartment would only be used by an employee or family member. He didn't anticipate the business growing to more than four or five people. He talked about the weeds that were in place when he purchased the property. A lot of clean up had been done. He said he wasn't going to let it turn into a junk yard. He wanted to preserve the creek. He said no painting would take place at the location. They would all be sent away to Kansas City. For the most part, no one would know they were there. He said people stopped him daily and thanked him for cleaning it up and restoring it. Restoration was not an easy process. He appreciated the concern. He wanted to keep it with the community so they were proud of it also.

Mr. Macfee asked what type of spraying operation would be used inside the building. Mr. Flerlage said they would not be painting at all in the building. It involved too many EPA regulations and documentation and wasn't worth it. He said they would be sanding in the back third of the building.

Mr. Matt Appelhanz, 633 NW 86th Street, Topeka, KS 66617.

- Said he wasn't speaking for or against.
- Owned 68 acres.
- Liked what Mr. Flerlage had to say and was impressed.
- Was concerned about the painting as well.
- Asked if there was something that would say he couldn't be painting.
- Was glad that the property was being cleaned up.
- Thought it was good to stick with the two cars being put outside.
- Went to school at Elmont and his children attend Elmont.
- Planned to build their dream home a little farther up the road.
- If no painting was involved, it was a good deal.

Mr. Beagle said they could make that a requirement of the performance criteria on the Master PUD Plan that no painting would be allowed.

**MINUTES OF THE
SHAWNEE COUNTY PLANNING COMMISSION
Monday, October 13, 2014**

Mr. Jones asked if they would be welding or using any fiberglass or body putty. Mr. Flerlage said they didn't use fiberglass. He said it would be confined to the building. Mr. Jones said he wanted more details of the operation. He didn't want the creeks destroyed by chemicals. He was not opposed to the business. He just had concerns and had been promised things before and saw things go down the tubes.

Mr. Jacques asked if anyone had any other comments. Mr. Flerlage said he wanted to ease Mr. Jones' concerns about the property being turned into a junkyard. He said to compare the property from January to now. He has invested a lot of money in the building just cleaning it up and it didn't include replacing windows and other repairs. He spent money and his time this summer to work on the property and hoped it would ease Mr. Jones' mind that the property would not turn into an eyesore. As far as the painting, they would get into more trouble with the EPA than anyone locally if it wasn't approved.

Mr. Jones asked if his property taxes would increase if the property was zoned commercial. Mr. Flerlage said it was already being taxed as commercial as a warehouse.

Mr. Jacques closed the public comments. He asked if there was any discussion by the Commissioners.

Mr. Macfee questioned the need for requiring Mr. Flerlage to build the fenced area in the back based on his description of what it would be used for. He asked if it was a condition that would be added to the PUD. He didn't see it in the staff report. Mr. Beagle said the staff report and the plan that was submitted initially didn't provide for any exterior display of vehicles, any exterior storage of cars, parts, materials, etc. It would be a change. Mr. Macfee said that a few motions would need to be addressed.

Mr. Jacques said there were at least four proposals to the existing PUD Plan that was submitted:

1. Whether or not to allow exterior display of vehicles.
2. Whether or not there would be any exterior storage and if it would require fencing.
3. The dwelling unit.
4. The painting of cars.

He said they should consider those four items and if they wanted to add them to the PUD or not.

Mr. Macfee said he would start the motion for the display of cars. Mr. Beagle said the applicant had provided some language. He said that business hours had not been defined and wanted to include that as part of the motion.

Ms. Heidrick said a motion in regard to vehicles would be premature because they had to decide first whether or not they were going to approve the PUD. Mr. Jacques asked if they would amend the proposed PUD and adopt the proposal with the amendments. Mr. Beagle said in the past they voted on the amendments first and then there was a motion to approve it as amended.

Mr. Macfee moved to add the language to allow the exterior display of vehicles will be limited to two vehicles during daytime hours; seconded by Mr. Marolf. There was no discussion on the item. With a vote of **6-0-1** and one abstention, the item was recommended for **Approval**.

Mr. Macfee moved to allow for exterior storage not to exceed six cars in the back.

Ms. Johnson asked if that meant six cars outside all the time in the back. She thought he wasn't going to leave any cars outside. Mr. Jacques said the proposal was to remove the restriction of not having exterior storage and allowing him to have six vehicles behind the building. He asked if there was a

**MINUTES OF THE
SHAWNEE COUNTY PLANNING COMMISSION
Monday, October 13, 2014**

number of vehicles related to qualifying as a junk yard. Mr. Beagle said he didn't know and it wasn't within their zoning regulations. Mr. Jacques said it was a state statute.

Mr. Jacques asked for a second. Mr. Tryon seconded the motion. Ms. McKenzie asked Mr. Jacques to repeat the motion. Mr. Jacques said the motion was to remove from the PUD the restriction of allowing exterior storage and to allow for the storage of up to six vehicles in the exterior of the building.

Mr. Jacques said he had a comment. He didn't think that having screening was inappropriate. He thought you got on a slippery slope when you had bits and pieces of cars and trying to decide how many bits and pieces made six cars. He said it was the applicant's proposal. He said he would stick with the proposal they had and not amend on a motion.

Mr. Tryon asked if his discussion was involving eliminating the number of vehicles. Mr. Jacques said he would deny this amendment and adopt the amendment that was requested by the applicant which included the 50x50 screened storage area. He didn't think a screened storage area would be opposed but thought if there was going to be storage that screening was not inappropriate. It would also eliminate the need of trying to figure out how many bits and pieces went into six cars. Mr. Tryon said he would support that.

Mr. Macfee said he had confidence in the applicant and had asked him about parts versus cars. He didn't know of a way to define that. It was an expense the applicant had to incur. He didn't know if a chain link fence would contribute to the aesthetics. The applicant has indicated it would be temporary and there was no way to define that. He said he would let the motion stand as it was presented.

Mr. Jacques asked for a roll call vote. Mr. Marolf asked for the number of cars. Mr. Jacques said the motion was to remove the requirement or the prohibition of exterior storage and to allow for up to six vehicles to be stored in the back of the building without the requirement of any exterior screening. A yes vote would be to amend and allow for the storage.

With a vote of 3-3-1 and one abstention, the item was **Denied**.

Mr. Jacques asked for any subsequent motions.

Mr. Tryon moved to add Section 17.02(b)(4) Dwelling Unit For Use By Business Owner And Employees Only Located Above The Ground Floor On The Mezzanine Level; seconded by Ms. Johnson. There was no discussion on the item. With a vote of **6-0-1** and one abstention, the item was recommended for **Approval**.

Mr. Macfee moved to specifically exclude painting cars. Mr. Jacques asked why type of operation that included. Mr. Beagle said a spray paint booth as EPA regulated would be excluded. Mr. Macfee said the EPA regulated the waste. It was a fire code issue. They regulated whether a spray booth was properly installed. He didn't know how to describe it other than a compressed air spraying operation. Mr. Jacques asked if a fire permit would be required. Mr. Macfee said in the city it was required by building code which the County didn't have which made it difficult.

Mr. Jacques suggested to propose an amendment that would prohibit the operation of a commercial spraying booth in the facility. Mr. Macfee said it was just a technicality because if there was no booth the applicant could spray out in the open which was worse. Mr. Jacques said there was a possibility of some spraying but wasn't sure. Mr. Macfee said the applicant said there would be no painting. Specifically excludes painting cars.

**MINUTES OF THE
SHAWNEE COUNTY PLANNING COMMISSION
Monday, October 13, 2014**

Mr. Jacques said there was a motion to amend the PUD to prohibiting spraying of any cars. Ms. McKenzie asked if it was really needed. Mr. Jacques said there was a motion. Mr. Macfee said it was a big deal. He asked Mr. Beagle if the PUD would go with the land if the property was sold. Mr. Beagle agreed. It wouldn't preclude someone else from coming in and putting in a booth and spraying. Ms. McKenzie said her question was answered. Mr. Macfee said he wasn't opposed to putting in a proper booth but knew it was extremely expensive. It would change the nature of the operation if it was allowed.

Mr. Macfee moved to specifically exclude spray painting of vehicles; seconded by Mr. Marolf. There was no discussion on the motion. With a vote of **4-2-1** and one abstention, the item was recommended for **Approval**.

Mr. Jacques asked if there were any other motions to amend the PUD.

Mr. Jacques moved as to the exterior storage to allow for the construction of a 50 x 50 square foot exterior storage area as located on the proposal provided by the applicant with either a wood fence or a chain link fence with a privacy fabric not less than 6 foot in height to allow for the storage of parts and vehicles.

Ms. Johnson asked if they were going to allow the applicant to build the building then insist that he put up a fence. Mr. Jacques said he could have outside storage in the screened-in space. The fence would need to be 6 foot.

Mr. Tryon seconded the motion. There was no discussion on the motion. With a vote of 3-3-1 and one abstention, the item was **Denied**.

Mr. Jacques requested a motion for approval of the PUD.

Ms. Johnson moved to recommend Approval of the proposed Planned United Development subject to staff conditions and as amended by the Planning Commissions' motions; seconded by Ms. McKenzie.

Mr. Macfee questioned if the exterior storage was included. Mr. Jacques said it was not approved.

With a vote of **6-1-0** and one abstention, the item was recommended for **Approval**.

3. **CU14/05 by Hays Investments LLC** seeking a Conditional Use Permit to authorize a Medical Care Facility Type II on property zoned "RR-1" Residential Reserve District and located at 8722 SW 29th Street in Mission Township.

Ms. Johnson moved to continue the item to the December 8, 2014, Planning Commission public hearing; seconded by Ms. McKenzie. With a vote of **7-0-0**, the item was **Continued**.

Ms. Johnson asked Mr. Beagle what would happen with the Board of Zoning Appeals case that was acted on earlier. Mr. Beagle said the case would be discussed with the County Counselor's office in order to decide what actions could be taken against the property owner. Unless the property owner would voluntarily remove the offending section, then it would be decided what legal action they want to take. Ms. Johnson asked Mr. Beagle to keep them informed. Mr. Beagle said he would.

Public Comment on Non-Agenda Planning and Zoning Items

There were no comments on Non-Agenda Planning and Zoning items.

**MINUTES OF THE
SHAWNEE COUNTY PLANNING COMMISSION
Monday, October 13, 2014**

Discussion of Planning Related Issues

Mr. Jacques asked Mr. Beagle if he had heard anything from the County Commission on the pending issue. Mr. Beagle said he had asked Commissioner Buhler if she was still in support and if the item would come back before the County Commission before the end of the year. Commissioner Buhler had responded yes that it would. He didn't have any direction from the County Commission regarding the community survey.

Adjournment:

Ms. Johnson moved to adjourn, seconded by Mr. Tryon. A unanimous voice vote declared the public hearing be adjourned, which was at 8:05 p.m.