

MINUTES OF THE SHAWNEE COUNTY PLANNING COMMISSION

Monday, December 8, 2014
Shawnee County Annex
6:00 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, Pat Tryon, Lynn Marolf, Dave Macfee, Christi McKenzie and Matt Appelhanz. With six members present a quorum was established and the meeting was called to order.

Members Absent: Nancy Johnson.

Staff Present: Barry T. Beagle, Planning Director; Joelee Charles, Administrative Assistant; and, Ashley Biegert, Assistant County Counselor.

Approval of October 13, 2014, and November 10, 2014, Public Hearing Minutes: Mr. Jacques asked for approval of the October 13, 2014, and November 10, 2014, Planning Commission public hearing meeting minutes. Mr. Marolf moved to approve the October 13, 2014, minutes, seconded by Mr. Macfee and, with a unanimous voice vote, the minutes were approved. Mr. Macfee moved to approve the November 10, 2014, 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: There were no declarations of conflict of interest by commission members or staff.

Zoning and Subdivision Items:

- 1. RAL Subdivision No. 1 (Preliminary and Final Plat Phases) [P14/03]** by Coder Engineering, Inc. for property located at 5946 NW 46th Street in Menoken Township.

Mr. Jacques open the hearing and asked for a presentation from staff.

Mr. Beagle stated the eight acre parcel was currently zoned RA-1 Rural Agricultural District and presently occupied by a barn. The applicant was seeking plat approval to bring the property into compliance with the zoning and subdivision regulations. The property was split off from the adjoining parcel on the east resulting in a frontage of less than 200 feet. In order to make the parcel legal, it was necessary to plat it so a single family dwelling could be built. An existing entrance was approved earlier this year that ran along the east side of the property and was the only point of access. The balance of the site's frontage on 46th Street was indicated for restricted access to meet a Public Work's requirement. Water service would be provided by Jackson County RWD #1 and sewage disposal would be provided by an onsite sewage disposal system. A drainage report submitted by the applicant's engineer was approved by Public Works. The plat provided for additional right of way as required by Public Works. Staff was recommending the preliminary and final plats be approved as submitted. There was one condition noted in the staff report requiring restricted access be shown on the preliminary and final plats which has been addressed.

Mr. Jacques asked if the applicant was present and wanted to speak.

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Mr. Randy Kokenge, owner, 5946 NW 46th Street, Topeka, Kansas 66618.

- Stated that he hoped it would be approved so he could build a residence on the property.

Mr. Jacques asked if anyone had any questions for Mr. Beagle. Mr. Macfee asked if a road was going to be constructed. Mr. Beagle said there wasn't a road being proposed but a private driveway that would be situated between the barn and east property line which was approved by Public Works.

Mr. Jacques asked if anyone had any questions for the applicant. There were none.

Hearing no one to speak in favor or in opposition, Mr. Jacques closed the public hearing and asked for discussion from the members. There was no discussion so he requested a motion.

Mr. Macfee moved to recommend Approval of the proposed Subdivision; seconded by Ms. McKenzie. Mr. Tryon asked if the motion included the condition. Mr. Beagle stated it had been addressed and met so there are no outstanding conditions.

With a vote of **6-0-0**, the preliminary and final plats were **Approved**.

Mr. Beagle stated the mylar was available for signature after the meeting.

2. Flerlage Subdivision (Preliminary and Final Plat Phases) [P14/04] by Cook, Flatt and Strobel Engineers, P.A. for property located at 3010 NW 62nd Street in Soldier Township.

Mr. Jacques opened the hearing asked for a presentation from staff.

Mr. Beagle said the applicant was requesting to establish a one lot commercial subdivision. The 2.88 acre property was recently reclassified to a Planned Unit Development District to allow a wholesale vehicle dealer operation. It was currently part of a 6.9 acre parcel with the remaining vacant 4 acres extended to the north along Church Lane being utilized separately. The proposed plat coincides with the area that was reclassified to the PUD District. The plat designated restricted access along all three road frontages on 62nd Street, Elmont Road and Church Lane as required by Public Works except for two 30 foot wide drive entrance openings--one along 62nd Street and one along Church Lane. Water service would be provided by Shawnee County RWD #4 and sewage disposal would be provided by an onsite sewage disposal system. Public Works waived the requirement for submission of a drainage report since there was no new construction. Staff has found that the preliminary and final plats comply with the terms and conditions of the subdivision regulations and was recommending approval.

Mr. Jacques asked if there were any questions for staff. Mr. Macfee asked why they were considering the proposal when it was subsequent to the PUD. Mr. Beagle said the PUD was a zoning action to change the use from RA-1 to a PUD. It did not plat the property as a subdivision. One of the zoning requirements for a PUD is that the property be platted and it is currently unplatted. This action would satisfy that requirement.

Mr. Jacques asked if the applicant was present and wanted to speak. The applicant had nothing further.

Hearing no one speak in favor or in opposition, Mr. Jacques closed the public hearing and asked for discussion from the members. There was no discussion so he requested a motion.

Mr. Marolf moved to recommend Approval of the proposed Subdivision; seconded by Ms. McKenzie. There was no discussion on the motion.

With a vote of **6-0-0**, the preliminary and final plat were **Approved**.

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Public Comment on Non-Agenda Planning and Zoning Items

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

Discussion of Planning Related Issues

Mr. Jacques asked if there was any discussion. Mr. Beagle said two different types of meetings were held recently as a result of their discussion at their last meeting regarding the City's proposed Land Use and Growth Management Plan. He took their recommendation to the County Commission on November 17th and they then requested the City Council delay their adoption of the LUGMP scheduled for November 18th. The City Manager said he would honor the request and continue it for a couple of weeks to allow for additional input from residents within the unincorporated area.

On November 24th, the City Planning department presented the plan to the Township Trustees and their boards. Most of the focus at the meeting was on annexation and their annexation policies. The City indicated they had no interest in annexing low density residential type development. The only type of land area they were looking to grow into was the type where all five major urban services were available. Once all those amenities were available, it would support urban density development. As a result of new urban density development immediately outside the corporate city limits, it would then be suitable for annexation. There seemed to be a sigh of relief once it was understood that the City did not want to have any big unilateral annexations. It was not cost effective for the City to annex low density residential areas because it would not be cost effective.

Two other public informational meetings were held on December 4th. Letters were sent to property owners with at least 5 acres or more within their defined urban growth area. The City defined the urban growth area as a fairly tight area immediately surrounding the City and expanding out to the 3-mile limit.

When the City Planning staff made their presentation at the August meeting, the County Planning Commission specifically keyed on the plat exemption being increased from 3 acres, 200 feet of frontage (which City and County regulations were in sync on) to 20 acres. The plan was further revised, proposed and adopted by the City Planning Commission with the 20 acre plat exemption only applying to properties within their defined urban growth area. The balance of the 3-mile area outside of the urban growth area would retain the original 3 acre plat exemption with two notable exceptions: The minimum frontage requirement would increase from 200 feet to 300 feet; and They would institute a lot depth to width ratio of 1 to 2 meaning that a lot could not be twice as deep as it was wide which meant getting away from flag lots and long piano key lots that had 200 feet of frontage and extended for a mile deep. The principal change would be affecting properties located within the urban growth area.

The public meetings for the most part were cordial. There wasn't much of a display of open animosity. People listened to what the City was proposing and understood what was going on. The presentation by Bill Fiander, City Planning Director, and Dan Warner, City Planning Comprehensive Planning Manager included an overview of the plan, then had a Q&A session and two computers were set up so the public could identify specific parcels and ask questions about their property and how the new rules would apply to them. Mr. Beagle had not heard anything that was going to change the plan as a result of the meetings. He thought the plan would be adopted by the City Council. Mr. Fiander indicated it might be the first or second week of January before it was heard by the City Council for adoption. The next step would be to implement the recommendations of that plan and then they would propose to amend their subdivision regulations which would institute the 20 acre policy within the urban growth area. He said he was pleased that the property owners were notified that were going to be most affected and gave them the opportunity to learn what the City was proposing and thankful that City staff hosted the meetings and spend the time to educate the public and answer their questions. That was what they were really seeking to accomplish.

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Mr. Marolf asked if the 6:00 meeting was as well attended as the 2:00 meeting. Mr. Beagle thought there were more people at the 2:00 meeting. Between all the meetings he thought 150-200 people attended. He had not heard any feedback subsequent to those meetings from people of being disappointed or not understanding. He hoped it provided the information they needed to plan accordingly.

Mr. Jacques said he thought it was a positive thing for them to do and appreciated Mr. Beagle giving them the opportunity to do that.

Mr. Macfee asked about the reorganization and reporting to Public Works. Mr. Beagle said he had spoke with Mr. Tom Vlach, Public Works Director, earlier in the day. Mr. Vlach had met with Commissioner Archer that morning to talk about the expectations. There would still be a Planning Department with the same staff and department budget. For reporting purposes, communication to the County Commission would take place through Mr. Vlach as our advocate and liaison. In one sense that could be good just from the standpoint of the items they identified as priorities: Comprehensive Plan, Building Code, Code Court. It would be another voice added to the mix to educate the County Commission so they were comfortable. They had been reluctant up to this point to approve any of the projects. Mr. Vlach was not interested in getting involved with Planning and the day-to-day operations. It was still Mr. Beagle's department to run. Mr. Vlach wanted to be an aide to the department under this approved structure. If Mr. Vlach could contribute to those discussions, he would and be another voice in support of the proposals coming from the Planning Commission and the department. They were still operating as an independent department. As far as the lines of communication go, they fell under Public Works and would submit new projects, initiatives and ideas to them. Mr. Vlach would then take those to the County Commission.

Mr. Macfee asked if Mr. Vlach would be fulfilling the role that Mr. Beagle previously had of going to the podium and explaining the actions of the Planning Commission. Mr. Beagle said he would continue to prepare the agenda items for the County Commission and present those to the County Commission. He said he would work with Mr. Vlach on new projects and get his support then Mr. Vlach would take those to the County Commission.

Mr. Macfee asked if they had a proposal for the County Commission if it would be Mr. Vlach's decision to take it to them. Mr. Beagle said that was a concern he had and it was one more layer removed from the County Commission. He said in his conversations with Mr. Vlach, Mr. Vlach indicated he was not a planner and didn't want to be a planner. This was something that was adopted by the County Commission—a new reporting structure. It didn't remove our functionality as a Planning department and a Planning Commission. Reporting on major issues involving planning would now involve Mr. Vlach. He didn't know how it would play out if they identified an issue and thought it was important to take to the County Commission and Mr. Vlach didn't agree. He said they agreed to hold weekly meetings and part of his task would be to educate Mr. Vlach as to what their initiatives were. He would be supplying Mr. Vlach with the work program they submitted to the County Commission in 2013 for their 2014 budget. He said they had brainstormed ways to potentially bring new life to those items such as the Comprehensive Plan and how they could approach the County Commission again. He said his fear was the avenue with K-State may have closed because the professor who was in charge of the outreach with the graduate student planning teams had announced his retirement. That avenue might not be available. He was trying to save dollars by using that inexpensive route. It would still be a credible product but not as detailed as a consultant might prepare.

The County Commission had emphasized it was a pilot program during 2015. They would see how it worked and reassess.

Adjournment:

Ms. McKenzie moved to adjourn, seconded by Mr. Macfee. A unanimous voice vote declared the public hearing be adjourned, which was at 6:34 p.m.