

MINUTES OF THE SHAWNEE COUNTY PLANNING COMMISSION

Monday, January 12, 2015
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 Nancy Johnson. With six members present a quorum was established and the meeting was called to order.

Members Absent: Matt Appelhanz.

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

Approval of December 8, 2014, Public Hearing Minutes: Mr. Jacques asked for approval of the December 8, 2014, Planning Commission public hearing meeting minutes. Mr. Tryon moved to approve the December 8, 2014, minutes, seconded by Mr. Macfee, 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.

Election of Officers:

- **Election of Chair:** Mr. Jacques called for nominations for chair. Mr. Marolf moved to nominate Mr. Macfee as Chairman; seconded by Ms. Johnson. After a unanimous voice vote, Mr. Macfee was elected as Chairman.
- **Election of Vice-Chair:** Mr. Jacques then called for nominations for vice-chair. Mr. Tryon moved to nominate Mr. Appelhanz as Vice-Chair; seconded by Mr. Marolf. After a unanimous voice vote, Mr. Appelhanz was elected as Vice-Chair.

Mr. Macfee then assumed the Chair from Mr. Jacques and presided over the remainder of the public hearing.

Zoning and Subdivision Items:

1. **CU14/06 by Consolidated RWD No. 2** to establish a public utility facility on property zoned the "RA-1" Rural Agricultural District and located at the northwest corner of NW 54th Street & NW Docking Road in Grove Township

Mr. Beagle said the applicant was requesting a Conditional Use Permit to establish a public utility facility (water booster pump station) on a 100 foot square area with 100 foot of frontage on both 54th Street and Docking. The booster station was needed to supply increased pressures and flows to the northern portion of the district. The structure would consist of a 120 square foot building which would contain two pumps, controls and related appurtenances. The facility would be located within an area which was

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predominantly rural agricultural in character and located approximately 2.8 miles northwest of Silver Lake. There were no real major changes anticipated in this area in the foreseeable future. The proposed CUP would not remove the restrictions of the current zoning but it would authorize the additional use of a water booster pump station. The site's present classification of RA-1 was consistent with that of the surrounding area and the rural agricultural character of this area and remained suitable for the uses to which presently restricted. The application has indicated they did not anticipate any audible noise beyond the building. There would be chemical treatment associated with water booster pump station so there would be no spill or environmental hazards. Within the context of this specific area, Staff did not see the location and operation to be in conflict with surrounding properties. The applicant would not be installing fencing, landscaping or signage and would maintain a clean appearance. There would be no exterior storage on the property. This would be an unmanned property requiring occasional site visits. Public Works requested additional dedication of right of way on both 54th Street and Docking Road. 15 feet of additional right of way would be dedicated. Staff was recommending approval subject to its use and development as a booster pump station site and complying with the site plan and the dedication of additional right of way as requested by Public Works.

Mr. Macfee asked if there were any questions for Mr. Beagle.

Mr. Macfee asked if fire flows was the purpose of the station. Mr. Beagle said it was for both pressure and flows for the northern portion of the district. He said the applicant was present to address the specific technical aspects. Mr. Macfee asked who would be paying for the improvement. Mr. Beagle said the patrons within the district would be paying for it.

Mr. Macfee asked if the applicant was present and wanted to make a presentation.

Mr. Ben Kramer, Kramer Consulting, 4336 SE 37th Street, Topeka, Kansas 66605.

- Said the rural water district provided water to their patrons and had wells, a water treatment plant and supply lines.
- Said the existing booster pump station had been there for several years and was inadequate and needed to be replaced.
- Said the new station would allow them to boost water pressures, volumes and flows in the north portion of their district.
- Said the district did not provide for fire protection.

Mr. Riley Rees, 2222 NW Huxman Road, Topeka, Kansas 66618.

- Stated he was the manager for the water district.
- Said the fire department could have all the water they wanted any time as long as they did not pump off of their lines.
- Said the fire department had a temporary storage tank they ran the water into and then they pumped the water into their trucks.
- Said they were incapable of pushing enough water out to supply a pumper truck without a risk of damage to the water lines.
- Said the existing pump station was inadequate due to new homes being built that were requiring more water.
- Said they were having a hard time keeping their tower full at times during peak usage.
- Said the existing booster pump station provided 50 gallons a minute and the new one would be 100.

Mr. Macfee asked where their water supply came from. Mr. Rees said they had two wells that were north of Highway 24 on Humphries Road. He said KDHE gave them 57.7 million gallons of water per year from those two wells.

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Ms. McKenzie asked where the existing station was. Mr. Rees said it was ½ to ¾ mile back to the east of the new location.

Mr. Kramer said the old station would be taken out of service once the new station was on line.

Mr. Macfee asked if the old station would be retired. Mr. Rees said the existing station was a well head and a small piece in the ground. Once the new station was running, the existing station would go away. He said one antenna would be moved.

Mr. Macfee asked if there were any additional questions for the applicant. There were none.

With no one to speak in favor or in opposition, Mr. Macfee closed the public hearing and asked for discussion from the members. Ms. McKenzie said she wanted to disclose before they voted that her husband, Alan McKenzie, was the fire chief of Rossville Fire Department and it covered this district being discussed.

There was no further discussion so Mr. Macfee asked for a motion.

Mr. Jacques moved to recommend Approval of the proposed Conditional Use Permit as recommended by Staff; seconded by Mr. Tryon. With a vote of **6-0-0**, the item was recommended for **Approval**.

2. Mulberry Meadows Subdivision (Preliminary and Final Plat Phases) [P14/05] by Schmidt, Beck & Boyd Engineering, LLC for property located at 5648 NE Indian Creek Road in Soldier Township.

Mr. Beagle stated the applicant was seeking to sub divide the 19.96 acre parcel into a two-lot residential subdivision with the existing dwelling on Lot 1 which was a 1.76 acre parcel and the balance of the property would be Lot 2 and used for a future single family dwelling. He said Lot 1 was less than 3 acres and Lot 2 had less than 200 foot of frontage so it would require a plat of subdivision. This request was consistent with the Rules and Regulations set forth by the Subdivision Regulations. He said Public Works had reviewed and approved the drainage report. Staff was recommending the Preliminary and Final Plats be approved.

Mr. Macfee asked if there were any questions for Mr. Beagle.

Mr. Jacques asked if there was only going to be one access. Mr. Beagle said there would be two separate accesses with the existing one serving the house in Lot 1 and a new access would be created for Lot 2.

Mr. Jacques asked if that was the purpose of having so many feet of road frontage was to prevent multiple curbs. Mr. Beagle said in this case and location, the presence of existing established rural residential home sites on Indian Creek Road, Public Works did not identify this as an issue in association with this subdivision.

Mr. Macfee asked if Public Works got involved in the creation of driveways. Mr. Beagle said they got involved at this stage of review and if there were concerns about the establishment of a new driveway based on the functional classification of the street. They also reviewed the site distances and made sure it wasn't going to create a blind spot issue along the roadway.

Mr. Macfee asked if there were any regulations that covered how the road was built going into the property. Mr. Beagle said there was a certain specified culvert entrance that had to be put in regulation

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size depending upon overland drainage. There would be a culvert drainage tube that would have to be sized based upon the area and the area drainage patterns. There was a certain width associated with the drive approach into the property that had to be met.

Mr. Macfee asked if the applicant was present and wanted to make a presentation.

Mr. Rick Schmidt, Schmidt, Beck & Boyd Engineering, 1415 SW Topeka Blvd., Topeka, Kansas 66612.

- Said he didn't have much more to add above Mr. Beagle's presentation.
- Said he would be happy to answer any questions.

Mr. Macfee asked if anyone had any questions for Mr. Schmidt. There were no questions.

Mr. Beagle said some communities in Kansas and across the country had major and minor plat approval processes. If a small number of lots (5 or less) were created by a subdivision and a new street was not involved, some entities had a minor plat approval process. Instead of going through an extended review process, there was an administrative and streamlined process associated with minor divisions of land. He said this request was such an example since it was creating only a two lot subdivision. There could be a more streamlined process associated with their review and approval. He said he might be approaching the Planning Commission at some time in the future requesting to initiate an amendment to implement something similar. There was no reason why they had to go through a big bulky review process for minor divisions as they did on a major subdivision.

Mr. Macfee asked if emergency personnel were involved with the review. Mr. Beagle said the fire district reviewed requests. He said they typically did not get a response from the fire district unless there was a specific issue.

With no one to speak in favor or in opposition, Mr. Macfee closed the public hearing and asked for discussion from the members.

Mr. Jacques said it was consistent with what they had seen from the City and their land use plan and the thought that providing a more dense development reduced overall costs. With two homes on that property, it was probably more cost efficient.

Mr. Macfee asked for a motion.

Ms. McKenzie moved to recommend Approval of the proposed Subdivision; seconded by Mr. Marolf. With a vote of **6-0-0**, the preliminary and final plats were **Approved**.

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

There were no comments on Planning-related issues.

Adjournment:

Ms. Johnson moved to adjourn, seconded by Ms. McKenzie. A unanimous voice vote declared the public hearing be adjourned, which was at 6:24 p.m.