

MINUTES OF THE SHAWNEE COUNTY PLANNING COMMISSION

Monday, May 11, 2015
Shawnee County Annex
6:00 PM

Roll Call and Announcement of Hearing Procedure: Dave Macfee, Chair, called the meeting to order at 6:42 p.m. and asked for roll call to be taken.

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

Members Absent: Nancy Johnson and Brian Jacques.

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

Approval of February 9, 2015, Public Hearing Minutes: Mr. Macfee asked for approval of the February 9, 2015, Planning Commission public hearing meeting minutes. Mr. Marolf moved to approve the February 9, 2015, minutes, seconded by Mr. Appelhanz, and with a unanimous voice vote, the minutes were approved.

Communications: Mr. Beagle stated he handed out two additional items: the proposed 2016 Planning Department budget for Planning Commission review and acceptance; and, a copy of a proposal submitted to the County Commission to create an exploratory committee to investigate the feasibility of adopting a Building Code in the county.

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. **Hoffman Subdivision (Preliminary and Final Plat Phase) [P15/01]** by Tanking Survey for property located at 4045 NW Davis Road in Rossville Township.

Mr. Beagle stated the request was to establish a one-lot subdivision plat of a 2.31 acre parcel. The parcel was split-off from a larger farm tract in 2000 and does not conform to the minimum 3-acre plat exemption requirement of the Shawnee County Subdivision Regulations. In order to make the parcel compliant, the applicant seeks to plat the property as a one-lot subdivision. Mr. Beagle said the Public Works Department was requiring additional dedication of right-of-way which was reflected on the plat. Staff was recommending approval of the plat as submitted.

Mr. Marolf asked when it was split-off and if it was in violation. Mr. Beagle said it was split-off from the parent parcel by warranty deed in 2000. The current 3-acre, 200 foot frontage plat exemption requirement was established in 1992. Any parcel that is subdivided into two or more tract of land must be platted if either parcel does not comply with the minimum acreage and frontage requirement. When the parcel was split-off in 200, it was automatically non-conforming since it did not comply with the 3-acre minimum lot size requirement.

Mr. Macfee asked if the applicant had any comments. Ms. Perry was present but did not have any comments to offer. Mr. Macfee opened the public hearing and asked if anyone wanted to speak in favor

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or against the proposal. With no one speaking to the plat proposal, Mr. Macfee closed the public hearing.

Mr. Tryon said he saw no compelling reason to deny the request and moved to recommend Approval of the proposed subdivision; seconded by Ms. McKenzie. With a vote of **5-0-0**, the preliminary and final plats were **Approved**.

2. **CU15/02 by Michael D. & Laura A. Barrett** seeking a Conditional Use Permit to establish a public use facility (unmanned fire station) on property zoned "RA-1" Rural Agriculture District and located at the northeast corner of NW Leedy Road and NW 62nd Street in Menoken Township.

Mr. Beagle said the applicant had initiated the request for a Conditional Use Permit on behalf of Shawnee County Fire District No. 1, purchaser, to establish a public use facility (unmanned fire station) on the subject property. He said Shawnee County Fire District No. 1 intends to acquire the parcel should the CUP be approved. The proposal provided for the construction of a 3,500 square foot single story structure. It would be primarily devoted to equipment bays. The site plan makes provision for the accommodation of nine vehicle parking spaces. Mr. Beagle said there would be a looped drive coming off of Leedy Road that would provide access to the property. He said staff reviewed the proposal in the context of the established rural agricultural character of the area with the nearest dwelling located approximately 1,500 feet to the southeast at 5925 NW 62nd Street and the next nearest dwelling approximately a quarter-mile away. He didn't think it would be a deterrent to the use and enjoyment of neighboring property or interfere with the rural agriculture character. The Planning Department was recommending the request be approved subject to the conditions stated in the staff report, including compliance with the site development plan and the applicant's operational plan. If the request was approved and prior to obtaining a building permit the property would need to be platted as a one-lot subdivision and through that subdivision process it would pick up additional dedication of right-of-way as required by the Public Works Department. A drainage report would be satisfied in conjunction with the plat of subdivision process as well.

Mr. Macfee asked if anyone had any questions for Mr. Beagle.

Mr. Marolf asked if Public Works had any issues. Mr. Beagle said there were no significant issues or site distance problems that were identified.

Mr. Macfee asked if the applicant had any comments.

Mr. Kevin Holland, Cook, Flatt & Strobel, Engineers, P.A., 2930 SW Woodside Drive, Topeka, Kansas 66614.

- Said it would be an unmanned fire station in order to expand the coverage of the Silver Lake area and help the insurance rates.

Mr. Marolf asked what would be placed at the location. Mr. Holland said there would be three bays for fire trucks for voluntary use. No personnel would be there. Mr. Marolf asked if it was going to be used for training. Mr. Holland said no training would be conducted there and he believed the Conditional Use Permit limited that.

Mr. Tryon asked Mr. Beagle if the Conditional Use Permit would have to be amended if it was decided to man the fire station. Mr. Beagle said it may require a minor amendment. The operational plan and documentation within the site plan recognized that it was an unmanned facility. If the circumstances changed, it might require some amendment in the future.

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Ms. McKenzie asked if they were going to be completing any first responder calls from the station or just respond to fires and accidents.

Chief Joe Hawkins, Shawnee County Fire District #1, 8239 NW 1st Street, Topeka, Kansas 66618.

- Said there was some staff who lived in that area that were EMTs. If they did get an apparatus that had medical equipment on it, they may respond to that station to respond to that call.
- Has been the fire chief since 1996 and people have asked him when they were going to 24 hour shifts. Said it wouldn't be until the call volume dictated it. They had full and part-time employees who worked Monday through Friday, 7:30 to 4:00.
- Talked about the areas their stations covered presently and with the ones proposed, everything would be covered except three houses along 94th Street. They covered almost 100 square miles.
- Partnered with Grove Township to build a station in 2009.
- Said the station on Highway 24 was being finished and hoped to be in it by the end of the month.
- Completed a survey a few years back and asked people if they wanted a station centrally or if they wanted two. The survey results said build one now and one later.
- Said they had an owner who was interested in selling them property so they wanted to procure it. The location was perfect for the five mile area for coverage.

Ms. McKenzie asked when they planned to build it. Chief Hawkins said it would be within the next two to five years. It would depend on the budget. He said they were financing the one on the highway. It was different and more expensive. He said it was similar to the one at 82nd and Topeka. He hoped to pay cash for it.

Mr. Macfee asked how they came up with a location for a new station. Chief Hawkins said it was a combination of things. What drove them to build the south one was the majority of their calls were between the City of Silver Lake and where they were building the new one. He said the percentage of annual calls were similar to Grove Township and the northern part of Menoken Township. They were able to split the cost with Grove which was a win-win and why they built that one first. The majority of their call volume was along Highway 24 and that was why they were building there first. In order to provide coverage for the rest of the district was why they wanted to build the fourth station.

Mr. Macfee asked Chief Hawkins if he was okay with all the conditions that were included in the staff report. Chief Hawkins said he was.

Mr. Macfee the opened the public hearing for public comment and asked if anyone wanted to speak in favor or in opposition.

Gregg Puderbaugh, 3541 NW 43rd Court, Topeka, Kansas 66618.

- Said his mother and father-in-law lived at 5943 NW Leedy Road, less than a half mile from the proposed location.
- Not really opposed to the fire station but wanted to know if there were going to be any zoning changes to that area and if the Conditional Use Permit would require a zoning change from rural farm.
- Asked how many calls there were on average for that area.

Mr. Beagle said it would remain zoned "RA-1" Rural Agriculture District. The permit would be specifically for the use of an unmanned fire station.

Mr. Macfee asked if Mr. Puderbaugh was opposed. He said he wasn't opposed. It was a farm area and they would be opposed to any commercial application. Mr. Macfee said it was a Conditional Use Permit and could only be used for one the one use. Mr. Marolf said if it was discontinued as a fire station, then the Conditional Use Permit would be dissolved.

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Chief Hawkins said approximately 11% of their calls were in that general area. The area covered would be from 46th Street and Humphrey Road to the County line and anything east of Humphrey Road which he considered the northern part of Menoken Township. In that particular area alone, it was just a handful.

Ms. McKenzie asked if the ISO rating was going down and by how much. Chief Hawkins said a Protection Class 10 was the worst. He got information from the Insurance Commissioners website to share with the fire board. He said there was a significant savings going from a 10 to a 9. If you were fortunate enough to have a fire hydrant within 1,000 feet, you could go from a 10 to a 5 in their fire district which was quite a bit of savings. It would be a significant amount of money for the folks in the area.

With no further comment, Mr. Macfee closed the public hearing and asked for comments from the Commissioners or a motion.

Mr. Marolf said he saw no problem.

Mr. Appelhanz moved to recommend Approval of the proposed Conditional Use Permit subject to staff conditions; seconded by Mr. Tryon. With a vote of **5-0-0**, the item was recommended for **Approval**.

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

1. Fifth-Year Community Rating System (CRS) Recertification Update

Mr. Beagle provided an update on the County's 5-year recertification in the Community Rating System (CRS) program which was part of the National Flood Insurance Program. He said they applied in 2010 and every five years they had to recertify.

He said they entered the program in 2011 as a Class 9 community as rated by the ISO. As a Class 9 community, it meant any property owners within the flood hazard area who had a flood insurance policy got a 5 percent premium reduction. For every step increase as you go from a Class 9 to 8, etc., it would be an additional 5 percent reduction in flood insurance premiums.

He said they were planning on at least acquiring the necessary credit points to retain the Class 9. They had tried to cast a little bit broader net to collect additional points. If they were lucky, a Class 8 might be achieved. Their goal and objective was to stay in the program and continue to offer that financial incentive through their extra efforts to educate the public and provide information to insurance agents, etc.

His memo that he provided to the Planning Commission was just to reiterate the goals of the program and how credit points were acquired.

Mr. Beagle said the ISO is schedule to conduct a site visit on June 18th. All documentation would be submitted then and the ISO would have 30 days to review it and then confirm the credit points and then notify Shawnee County if they remained in the CRS program.

Mr. Macfee asked what the range was. Mr. Beagle said you had to acquire at least 500 credit points to get to a Class 9 certification. Mr. Macfee asked what the highest and lowest were. Mr. Beagle said the highest

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was Class 1 and those flood insurance policy holders received a 45% reduction in their flood insurance premiums. Most of the communities in Kansas were a Class 9. A few were Class 7. The biggest limitation was due to our office having only three staff members. It created additional responsibility. The more credit points meant it was more work each year when recertifying. Every five years it meant more redocumentation to be completed. Our objective was to remain in the program as a Class 9 community. If additional credit points were acquired that pushes us into a Class 8, that would be great.

Mr. Macfee asked if the City participated. Mr. Beagle didn't think the City was in the Community Rating System. He wasn't sure why. Mr. Macfee asked what that meant. Mr. Beagle said they had not taken the extra effort to do it. Mr. Marolf asked what rating the City was. Mr. Beagle said they were a Class 10 rating. He said everyone was a Class 10 unless they applied and got approved as a Class 9.

2. Proposed 2016 Planning Department Budget.

Mr. Beagle said he handed out a report concerning the Planning Department's proposed 2016 budget request. He apologized for not including the report as part of the agenda packet mailed out in advance, but hoped the Commission may be willing to review and discuss. Mr. Beagle indicated that the Planning customarily reviews each year's budget request and offers its recommendation onto the County Commission.

Ms. Biegert said if they wanted to discuss it, they would have to make a motion to place it on the agenda. Mr. Macfee said he wanted some time to review it. Mr. Beagle suggested placing it on the June agenda and suggested they review page 1 and page 6 for a synopsis. He mentioned there was an increase due to retirement funds being added. Mr. Macfee requested it be placed on the June agenda.

Mr. Macfee asked if there were any cases for June. Mr. Beagle said there was one zoning case.

3. Formation of Exploratory Committee to Investigate Adoption of a Building Code for Unincorporated Shawnee County.

Mr. Beagle said this item did not require any action, but, wanted them to be aware of the proposal as requested by the County Commission. He said the proposal consists of appointing an exploratory committee primarily consisting of builders, allied trade professionals, fire officials and any other interested citizens to examine the feasibility and validity of adopting a building code. He recommended appointing a committee who would work during the course of six months to review and offer a response back to the County Commission. Once completed, the County Commission could act on the committee's recommendation or just accept their report. This process was intended to be an extensive review of looking at the public benefits associated with having a building code program as well as the possible advantages and disadvantages. It would all be summarized and put together in a report for the County Commission. Hopefully the pros would outweigh the cons and the County Commission would take the next step to either extend the life of the committee to then work out the details in putting together a program proposal.

Mr. Macfee asked it if was time sensitive. Mr. Beagle said he was under a mandate to present it to the County Commission by no later than May 21. He submitted it so it would be on the May 14th agenda. Mr. Macfee asked if Mr. Beagle was looking for a vote. Mr. Beagle said no. He just wanted to keep the Planning Commission in the loop as far as the activities of the Planning Department. He said he would welcome representation by a member of the Planning Commission to serve on the committee. But it was at the discretion of the County Commission who they wanted to appoint to serve on it.

Ms. McKenzie asked if the Commission would decide how many members would serve. Mr. Beagle said he recommended around 15 but the County Commission would ultimately decide the number if they accepted the proposal to proceed.

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Mr. Beagle said it was the first of four proposals the Planning Department was asked to prepare for the County Commission. He said there were three major projects specifically discussed with the County Commission and Planning Commission back in 2013 in order to fulfill the mandates associated with having a County Planning Program which included a Comprehensive Plan, a Code Court and the Building Code.

Mr. Beagle said the County Commission has taken the next step and requested formal proposals with regard to all of them as well as providing the advantages/disadvantages associated with re consolidating the City and County Planning programs. He has four items that need to be submitted yet this year to the County Commission for their consideration as well as working on the CRS project. Anything he prepares he will submit to the Planning Commission as well. He welcomed any specific comments to include as part of the proposals. The County Commission wants him to submit the best "business case" for having a Comprehensive Plan and implementing a Code Court. Business case was not specifically defined. He said he would look at it from the perspective of the cost and benefits to the County. Over the next 2-3 months, he will be working on these proposals to submit them to the County Commission.

Mr. Macfee said they had talked about the Comprehensive Plan repeatedly. The benefits of a Comprehensive Plan could be realized in streets to be constructed, fire stations, etc. There were potentially all kinds of costs related to not having a Plan.

Mr. Beagle agreed. Because of the work that was completed two years ago, he already had a skeletal framework for those plans and needed to come up with the best business case.

Mr. Tryon asked Ms. Biegert about proper procedure during the public hearing portion of a meeting. He wanted to know if he could ask the applicant a question if the public hearing was closed or would it need to be reopened. Ms. Biegert didn't think the public hearing needed to be reopened if there was a question of the applicant. Once the Board of Zoning Appeals or Planning Commission discussed the issue then they could have additional questions for the applicant. There was some discussion regarding what the Board of Zoning Appeals considers when hearing a case.

Adjournment:

Mr. Marolf moved to adjourn, seconded by Mr. Appelhanz. A unanimous voice vote declared the public hearing be adjourned, which was at 7:45 p.m.