

# MINUTES OF THE SHAWNEE COUNTY PLANNING COMMISSION

Monday, June 8, 2015  
Shawnee County Annex  
6:00 PM

**Roll Call and Announcement of Hearing Procedure:** Dave Macfee, Chair, called the meeting to order at 6:01 p.m. and asked for roll call to be taken.

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

**Members Absent:** Christi McKenzie and Matt Appelhanz.

**Staff Present:** Barry T. Beagle, Planning Director; Joelee Charles, Administrative Assistant.

**Approval of May 11, 2015, Public Hearing Minutes:** Mr. Macfee asked for approval of the May 11, 2015, Planning Commission public hearing meeting minutes. Mr. Tryon moved to approve the May 11, 2015, minutes, seconded by Mr. Marolf, 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. **Z15/01 by Tarwater Real Estate, LLC** requesting to amend the District Zoning Classification from "RR-1" Residential Reserve District to "C-4" Commercial District on property located at 4109 NW Topeka Boulevard in Soldier Township.

Mr. Beagle stated the applicant seeks to reclassify a 1.69-acre parcel adjacent to the Tarwater Farm and Home Supply business at 4109 NW Topeka Blvd. from RR-1 to C-4 to accommodate construction of a new storage building in conjunction with the business. He said the business originated on a 1.5 acre parcel at 4107 NW Topeka Blvd. in the 1950's. In 1979, the site was reclassified to the C-2 Commercial District to bring the existing business into compliance with the zoning regulations and allow for building expansion. In 1997, the applicant acquired an adjoining 8.50 acres that encompassed the original feed store to the north and west. In 1998, the applicant sought and was granted the reclassification of 2.33 acres of this parcel to the C-4 District to construct a new farm and home supply store. The remaining 6.09 acres has remained undeveloped and retained its existing classification of RR-1. Mr. Beagle said the remaining 6.09 acre parcel has no development potential lacking the necessary frontage and access on a public street. The applicant has no plans to develop the balance of the property which will act as a buffer to neighboring residential property fronting NW Rochester Road to the west. Located to the rear of the applicant's existing business, the proposed reclassification is not anticipated to have any greater impact on neighboring residential property fronting on NW Topeka Blvd. than the existing business. Mr. Beagle said staff was recommending approval of the proposal.

Mr. Marolf asked if the existing building at the northwest corner of 4109 needed to be rezoned. Mr. Beagle said the building seemed to overlap the boundary of the existing C-4 District but would be included with the reclassification of the adjoining 1.69 acre tract. He said it was going to be combined

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with the existing plat of Tarwater Subdivision No. 3 and replatted as a new one-lot subdivision called Tarwater Sub No. 4.

Mr. Macfee asked if any of the neighbors had called. Mr. Beagle said no one had contacted him.

Mr. Macfee asked if the applicant had a presentation.

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

- A new 66' x 120' building would be placed on the 1.69 acre reclassified area.
- The building addressed as 4109 was currently used to store feed and seed.
- The feed and seed would be moved to the new building and new equipment would be stored in the original building at 4109.
- There was currently a hedgerow which served as a buffer from the neighboring property.
- They were currently going through the platting process with the City of Topeka and didn't anticipate any issues.

Ms. Johnson was curious about a certain area shown on the map and wanted to know what it was.

Mr. Boyd said it was a barren area.

Ms. Johnson also asked about the vehicles located on the southeast side and wanted to know if they had walk-in traffic.

Mr. Rich Tarwater, Tarwater Real Estate, LLC, 4107 NW Topeka Blvd., Topeka, KS 66617.

- He said his son's old pickup truck was located on the southeast side.
- There were approximately 400 walk-ins per day.
- He said they needed the new building for storage.
- They had experienced a theft the previous day.
- They were out of warehouse room and wanted to get the equipment inside.

Mr. Jacques asked if they would be installing some type of screening. Mr. Beagle said the screening could be vegetation.

Mr. Tarwater said his neighbor to the north preferred trees instead of a fence.

Mr. Macfee asked if there were trees on the property line. Mr. Tarwater said there were thick trees.

Mr. Macfee asked if the screening was included as a condition. Mr. Beagle said a 6-foot fence or vegetative screening was required. A vegetative screen would be recognized. He said it would be documented when the building permit was applied for.

Since there was no audience for the public hearing, Mr. Macfee asked if there was any discussion from the Commissioners.

Mr. Marolf said he was glad to see a family and locally-owned business expanding.

Mr. Marolf moved for Approval of the proposed reclassification; second by Mr. Jacques, and with a vote of **5-0-0** the item was recommended for **Approval**.

Mr. Beagle said it would be placed on the June 29<sup>th</sup> County Commission agenda.

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

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

**Discussion of Planning Related Issues**

**1. Proposed 2016 Planning Department Budget.**

Mr. Beagle said the Planning Commission had received a copy of the Planning Department's proposed 2016 budget at the May meeting. He said the 5.3% increase was due to funding retirements but everything else remained as it was for 2015.

Mr. Macfee asked if the budgets were separate since Planning was reporting through Public Works. Mr. Beagle said Planning was still a separate department and responsible for its own budget.

Mr. Macfee asked if the \$50,000 for the Planning projects was included. Mr. Beagle said it was requested; however, it was pending based on the County Commission's adoption of the 2016 budget.

Mr. Marolf moved for Endorsement of the proposed 2016 Planning Department's budget; second by Mr. Jacques, and with a vote of **5-0-0** the item was recommended for **Endorsement**.

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

Mr. Beagle said on May 14<sup>th</sup>, the County Commission approved to form an exploratory committee to investigate the public benefits of adopting a county building code. He had been working with the County Commission to identify potential members. He said that he had spoken with Ivan Weichert, President and Chief Executive Officer of the Topeka Home Builders Association, who also attended the Commission meeting to provide comments and support. He said he had prepared a memo to submit to the County Commission with proposed members to serve on the committee. He asked if any of the Planning Commission members wanted to serve.

Mr. Macfee asked if the County Commission would approve the committee members. Mr. Beagle said they would. One County Commissioner would also serve on the committee along with various trades people.

Mr. Macfee said it was a good thing to have a building code and was glad to see the process getting started.

Mr. Jacques and Ms. Johnson both expressed interest in serving on the committee.

Mr. Macfee asked if a limit had been indicated for serving on the committee. Mr. Beagle said his original proposal indicated 15 members and currently had a list of ten trades people, two Planning Commission members and one County Commissioner. He thought that would be manageable.

Mr. Macfee said he thought Mr. Appelhanz would be a good addition. He asked if the Planning Commission needed to provide an endorsement. Mr. Beagle said no.

Mr. Tryon indicated he did not want to participate on the committee. Mr. Beagle said two to three Planning Commission members were a good representation. Mr. Jacques said he would withdraw if others wanted to participate.

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Ms. Johnson said they have been pushing for this for a long time. Mr. Jacques said folks were not sure what they were getting. Mr. Macfee said a baseline of quality assurance was needed.

Mr. Beagle said he would include Ms. Johnson and Mr. Jacques and contact Mr. Appelhanz since he was not present.

**Adjournment:**

Mr. Marolf moved to adjourn, seconded by Mr. Tryon. A unanimous voice vote declared the public hearing be adjourned, which was at 6:30 p.m.