

MINUTES OF THE SPECIAL MEETING SHAWNEE COUNTY PLANNING COMMISSION

Monday, October 19, 2015
Shawnee County Annex
4:00 PM

Roll Call and Announcement of Hearing Procedure: Dave Macfee, Chair, called the meeting to order at 4:00 p.m. and asked for roll call to be taken.

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

Members Absent: Nancy Johnson and Christi McKenzie.

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

Approval of September 14, 2015, Public Hearing Minutes: Mr. Beagle requested they postpone the approval of the minutes until their next regular meeting. Only the case items were to be considered.

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. Barbed Wire Subdivision (Preliminary and Final Plat Phase) [P15/02]** by Schmidt, Beck and Boyd Engineering for property located at 5501 NE Shaffer Road in Soldier Township.

Mr. Beagle stated the proposal was submitted by Michael and Nancy Calvin. It was generally located at 5501 NE Shaffer Road, comprised 111 acres and had two large acreage tracts. The northern tract was 81 acres and the southern tract was approximately 30 acres. Both tracts only had 60' frontage on Shaffer Road. According to the plat exemption criteria of the zoning and subdivision regulations, parcels that were subdivided had to maintain a minimum 200' frontage on a public improved roadway. The land around these two parcels was divided off leaving them with only 60' frontage and non compliant with the plat exemption criteria. A plat was requested to bring them into compliance. The Public Works department was requiring dedication of 40' of right of way along Shaffer Road. The drainage report was submitted by the consultant and approved by Public Works. Since there were no other outstanding issues concerning the proposal, Staff was recommending approval.

Mr. Jacques asked if the applicants had subdivided the tracts or had purchased them as they were now. Mr. Schmidt said when they were broke out by the owner in 1992, the tracts were surveyed out of everything else they owned and then the zoning rules changed. They did not separate those parcels into separate deeds. They were only surveyed. A lot of people had surveys completed thinking they were protecting themselves. The original owner sold that property to another owner and then they in turn turned around and sold the south 30 acre portion to their daughter. The owner obtained a building permit in 1996 and built a house on the 60 acre tract even though it was technically non compliant. When the daughter's parents died, she inherited the north 100' acre piece. The people who were involved now had nothing to do with what happened before. They didn't even know about it until they inherited the parcel to the north and they called in an appraiser to have it appraised to sell it. Then the problem was discovered. They just wanted to get it fixed.

**MINUTES OF THE SPECIAL MEETING
SHAWNEE COUNTY PLANNING COMMISSION
Monday, October 19, 2015**

Mr. Beagle said there was no other ambition for the northern tract even though it was a large tract but only to build a single family dwelling. Mr. Schmidt agreed.

Mr. Marolf noticed they had separate drives. He asked if the applicant lived at 5501. Mr. Schmidt said they did. He said the other parcel was quite a bit north of where the entrance drive would be.

Mr. Macfee asked if they would be able to split off and build more houses without going back through this process. Mr. Beagle said the plat they were considering would only create the two lot subdivision. If they would want to further divide either of the parcels, they would have to go back through a re-plat process. There had been no indication of a desire to do that. If someone acquired the larger northern lot and had an idea of creating additional lots, they would need to submit a proposal to do that.

Mr. Macfee asked about the property at 6047. Mr. Schmidt said the long parcel that went north and south was the Buena Terra airport landing strip. He said there was a homeowners' association that shared in the maintenance of that area and that was where all their planes landed.

Mr. Jacques asked where it was located. Mr. Schmidt said it was around 54th and Shaffer. Shaffer was roughly 2½ miles west of K-4 Highway in the northeast part of the County. Mr. Jacques said he didn't know an airport was located there. Mr. Beagle said it was a private landing strip. Mr. Macfee was curious as to how they purchased the airport. Mr. Schmidt thought it was all part of one of the parcels in the front which were 3 acre parcels. He didn't know how they converted it to an airport landing strip. It had been there for quite some time. A good share of the people that lived in front of it owned airplanes. Every time a house was sold, it always seemed to be a person who owned an airplane. Mr. Beagle said 6047 had a leg that went out to Shaffer Road even though it went off the north end of the map. It was also less than 200' of frontage and its history went back before the regulations changed.

Mr. Macfee asked if there was any discussion by the Commissioners. There was none.

Mr. Marolf moved to recommend Approval of the proposed subdivision; seconded by Mr. Appelhanz. With a vote of **5-0-0**, the preliminary and final plats were **Approved**.

2. Soldani Subdivision (Preliminary and Final Plat Phase) [P15/03] by Schmidt, Beck and Boyd Engineering for property located on the west side of SE Adams Street approximately 2,535-feet south of SE 85th Street in Williamsport Township.

Mr. Beagle stated the proposal was submitted by Ronald Soldani. It was a vacant 16½ acre tract of land in the 8800 block of SE Adams and a flag shape lot. It was the applicant's intent to subdivide the property in order to create a two lot subdivision. Both lots would contain less than 200' of frontage for which a plat of subdivision is required. There were no issues relative to the plat. The applicant had shown dedication of additional right of way as required. The drainage report submitted was approved. Staff recommended approval.

Mr. Macfee asked if anyone had any questions for Mr. Beagle. Mr. Jacques asked if there was 200' of road frontage. Mr. Beagle said the subject property has 250' of frontage on Adams. It could be built with one single family dwelling without involving a plat.

Mr. Macfee asked if the applicant's representative had any comments. Mr. Schmidt said he didn't really have anything to add. He said the frontage, when divided, would be 100' and 190'.

Mr. Marolf said it was off subject but wanted to know if they had acquired a water meter for the second parcel. He knew that area had been very limited and knew people that couldn't get one. Mr. Schmidt said they called the Douglas County rural water district to find out if they served it and was told they did.

**MINUTES OF THE SPECIAL MEETING
SHAWNEE COUNTY PLANNING COMMISSION
Monday, October 19, 2015**

At this time he said they weren't sure whether they could get a permit or not. It was the applicant's problem. He didn't know if they could get a meter.

Mr. Beagle said as part of their notification process, a review memo was sent to the townships, fire districts, rural water districts, etc. to solicit their feedback. He said they rarely got anything back to indicate if there was an issue or not.

Mr. Marolf asked if they needed one in order to get approved. Mr. Beagle said this action was only authorizing the creation of a two-lot subdivision. If they wanted to improve it, they either had the option of connecting to a rural water district or securing a water well permit to drill their own well through the Health Agency. They would have that option if the district could not give them a water meter.

Mr. Jacques asked if the lot would be big enough. Mr. Beagle said it would. They would still have to satisfy the Health Agency requirements. The lots would be 10 acres and 6½ acres.

Mr. Macfee asked if there was any discussion by the Commissioners. There was none.

Mr. Marolf moved to recommend Approval of the proposed subdivision; seconded by Mr. Appelhanz. With a vote of **5-0-0**, 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 was no discussion of Planning Related Issues.

Adjournment:

Mr. Macfee moved to adjourn, seconded by Mr. Jacques. A unanimous voice vote declared the special meeting be adjourned, which was at 4:13 p.m.