

# MINUTES OF THE SHAWNEE COUNTY PLANNING COMMISSION

Monday, April 11, 2016  
Shawnee County Annex  
6:00 PM

**Roll Call and Announcement of Hearing Procedure:** Christi McKenzie, Chair, called the meeting to order and asked for roll call to be taken.

**Members Present:** Christi McKenzie, Jerome Desch, Brian Jacques, Pat Tryon, Dave Macfee 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, Jonathon Brzon, Assistant County Counselor.

**Approval of February 8, 2016, Public Hearing Minutes:** Mr. Macfee moved to approve the February 8, 2016, Public Hearing minutes, seconded by Mr. Jacques, and with a unanimous voice vote, the minutes were approved.

**Communications:** Mr. Beagle received email from three individuals in support of the Item G4.--CU/1601 by Michael S. & Lisa B. Steinert and copies were provided to the Planning Commission.

**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. Soldier Township Maintenance Facility Subdivision (Preliminary and Final Plat Phases) [P16/01]** by CFS Engineers, P.A. for property located at 220 and 334 NW 62<sup>nd</sup> Street in Soldier Township.

Mr. Beagle stated the request was for approval of a preliminary/final plat to create a one lot subdivision. The 9.19 acre property was presently used as a township maintenance facility. In 2015, a Conditional Use Permit (CUP) was approved through public hearing to expand their existing road shop at 334 NW 62<sup>nd</sup> Street to 220 NW 62<sup>nd</sup> Street. One of the conditions from that approval was the property be platted. The proposed preliminary and final plats were compliant with the Subdivision Regulations and being recommended for approval.

Ms. McKenzie asked if the applicant was present and wanted to make a presentation.

Mr. Mike Adams, CFS Engineers, 2930 SW Woodside Drive, Topeka, KS 66614.

- Was with the company who prepared the plat and was available to answer any questions.

There were no questions from the members. With no one to speak in favor or in opposition, Ms. McKenzie closed the public hearing and asked for discussion from the members. With no discussion by the Commissioners, Ms. McKenzie asked for a motion.

Mr. Desch moved to recommend Approval of the proposed subdivision; seconded by Mr. Appelhanz. With a vote of **6-0-0**, the preliminary and final plats were **Approved**.

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**2. Barbed Wire Subdivision No. 2 (Final Plat Phase-Replat of Barbed Wire Subdivision) [P16/04]** by Schmidt, Beck and Boyd Engineering for property located at 5501 NE Shaffer Road in Soldier Township.

Mr. Beagle stated the 111 acre parcel had been platted into two lots as Barbed Wire Subdivision in 2015 so the applicant could sell them. This request was to replat the property in order to redefine the lot line separating the two parcels. Lot 1 was undeveloped with 81.26 acres. Lot 2 included the existing residence with 29.9 acres. Each have 60 feet of frontage on Shaffer Road. There is a buyer interested in Lot 2 but only wants a 10 acre parcel instead of a 30 acre parcel as originally platted. The balance of what was originally platted as part of lot 2 would be incorporated into lot 1 and increased to 101.15 acres. No other changes were made to the external boundary. The proposed preliminary and final plats were compliant with the Subdivision Regulations and being recommended for approval.

Ms. McKenzie asked if the applicant was present and wanted to make a presentation.

Mr. Rick Schmidt, Schmidt, Beck and Boyd Engineering, 1415 S. Topeka Boulevard, Topeka, KS 66612.

- Concurred with Mr. Beagle's presentation.
- The lot 2 purchaser wanted a smaller tract and the lot 1 purchaser wanted a larger tract so it worked out for both.
- Available to answer any questions.

Mr. Desch asked if there was a joint access drive. Mr. Schmidt said they each had their own access.

There were no questions from the members. With no one to speak in favor or in opposition, Ms. McKenzie closed the public hearing and asked for discussion from the members. With no discussion by the Commissioners, Ms. McKenzie asked for a motion.

Mr. Jacques moved to recommend Approval of the proposed replat of the subdivision; seconded by Mr. Desch. With a vote of **6-0-0**, the replat was **Approved**.

**3. Twin Creeks Subdivision (Preliminary and Final Plat Phases) [P16/05]** by CFS Engineers, P.A. for property located at 5227 SE 77th Street in Monmouth Township.

Mr. Beagle stated the request was for approval of a preliminary/final plat to create a two lot residential subdivision. The 8.48 acre property was presently occupied by a group home that allowed for up to eight individuals with disabilities. The applicant wanted to construct a similar facility on the east half. It was proposed to split the property down the middle and have a joint access drive between the two parcels in order to share the drive. To protect the functionality of the joint access drive, Staff requested a note be added to the plat stating if the ownership changed in the future, it wouldn't invalidate the joint access drive arrangement. The two owners were responsible for maintaining the roadway and sharing the cost. They could not erect any gates, structures or other barriers that would impede traffic flow on the joint access drive. The balance of the frontage along 77<sup>th</sup> Street was shown as restricted access meaning there could be no vehicular movement across that portion of the property and all access would take place at the joint access drive. The proposed preliminary and final plats were compliant with the Subdivision Regulations and being recommended for approval.

Mr. Macfee asked if the same person owned both properties and if they planned on establishing another group home. Mr. Beagle said the current owner would own both properties and planned to build another group home. Mr. Macfee asked why the property was being split. Mr. Beagle said the group home was considered to be a principal structure and only one principal structure was allowed per lot per the Zoning Regulations.

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Mr. Desch asked why each property didn't have their own 12' drive and was concerned there could be issues later with two different owners. Mr. Beagle said there had to be a separation. Mr. Adams said since they had to have a separation, they opted for the joint access in the middle. Mr. Desch was concerned that a new owner would be stuck with a joint driveway agreement. Mr. Adams said they would have to comply with what was on the plat or replat it.

Mr. Desch asked if it had to be set up in this manner. Mr. Beagle said there was no requirement. Shawnee County Public Works had not objected to the joint access between the two adjoining lots. Joint access drives in the past had been problematic since there was no plat note to define the responsibilities of the respective property owners. By incorporating a plat note, any subsequent owner in the future would know what their responsibility would be and would be informed through the title reporting. It would still be a private matter if there was an issue. If one party was not honoring their part, it would be a civil matter between them.

Ms. McKenzie asked if the applicant was present and wanted to make a presentation.

Mr. Mike Adams, CFS Engineers, 2930 SW Woodside Drive, Topeka, KS 66614.

- He didn't have anything to add.

Mr. James C. Benney, 5221 SE 77<sup>th</sup> Street, Berryton, KS 66409.

- Bought the property ten years ago and lived next door.
- Wife has been in the long-term care business for her entire life and her dream was to develop these home plus homes.
- Four residents resided in the current building and wanted to build another to include four residents.
- There's a real need to take care of people in their homes especially in our area.

Mr. Jacques asked how many people resided in the group home and if they were seniors. Mr. Benney said there were four seniors in the home with dementia and one who was wheelchair bound. It was assisted living not a nursing home. They needed some care, food, help with bathing and help getting in/out of bed. Someone was on property 24 hours a day. His wife was the nurse.

Ms. McKenzie asked Mr. Beagle how it was zoned. Mr. Beagle said it was zoned RA-1 (Rural Agricultural District). Group homes were treated the same as a conventional single family dwelling per state statute. A handicap or disability could be anything from a physical handicap to mental impairment, etc. Per the Zoning Regulations, they could have a maximum of ten individuals and no more than eight with impairment. They had to be treated the same as a conventional single family dwelling.

Mr. Jacques asked if they had to have dementia. Mr. Beagle said they had to qualify for residency based upon some impairment, whether physical or mental. It wasn't just a lodging home where people rented a room to live in the facility. Mr. Jacques asked if there was any commercial zoning in that area. Mr. Beagle indicated there wasn't.

Mr. Desch asked if the use as a group home could be changed to a halfway house. Mr. Beagle said it could not. It would require a zoning change. It could only be a single family dwelling.

With no one to speak in favor or in opposition, Ms. McKenzie closed the public hearing and asked for discussion from the members. With no discussion by the Commissioners, Ms. McKenzie asked for a motion.

Mr. Jacques moved to recommend Approval of the proposed subdivision; seconded by Mr. Macfee. With a vote of **6-0-0**, the preliminary and final plats were **Approved**.

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4. **CU16/01 by Michael S. & Lisa B. Steinert** seeking a Conditional Use Permit to establish a reception, conference and assembly facility on property zoned "RR-1" Residential Reserve District and located at 1636 SE 85th Street in Williamsport Township.

Mr. Beagle said the applicant's 106 acre tract extended north of SE 85<sup>th</sup> Street. In 2012, Glacier's Edge Winery and Vineyard started with a 2,400 square foot building on a 5 acre parcel for winery production including a 600 square foot area for wine tasting and retail sales. In 2015, a 2,000 square foot addition was added increasing the total square footage to 4,400. The vineyard, located west along 85<sup>th</sup> Street, occupies approximately 6 acres. The facility is open three days a week: Friday, Saturday and Sunday. The existing vineyard and winery constitutes an agriculturally exempt agritourism use.

They wanted to use 2,600 square feet of the existing building as a reception, conference and assembly facility in order to create a high quality upscale venue. No other structural improvements to the property are proposed. The facility would only be available by a prearranged lease contract/agreement for various events and not open to the general public. The Shawnee Heights Fire District set a maximum occupancy of 153 people. It would be available Wednesday-Sunday between 8 a.m.-10 p.m. The applicant would provide for onsite supervision of guests any time the facility was in use and ensure compliance with the operating restrictions of the CUP.

There would be no live music outdoors requiring the use of sound amplification. Outdoor activities would primarily be confined to the vineyard. The existing graveled area of 11 spaces would be expanded by 59 spaces for a total of 70. Signage would be restricted to an existing 4' x 6' identification sign located at the site entrance. Onsite lighting should have a shielded fixture head to minimize castoff lighting on neighboring property.

A CUP's use was generally considered consistent with the purpose and intent of the district in which listed but has operating characteristics that may or may not be compatible with neighboring property. As such, CUPs were subject to a public hearing process to determine consistency with the area in which proposed and where reasonable conditions may be attached to maximize compatibility.

The area surrounding the property was comprised of large acreage tracts as well as rural residential home sites. Twenty rural residential home sites, averaging 6.9 acres, exist within a ¼ mile radius. The nearest residential dwellings are located approximately 440 feet to the southeast, 790 feet to the south and 580 feet to the east. A thick stand of trees encompasses the property to the north and east and was expected to diminish onsite activities from impacting those neighboring properties.

The low density residential character of this rural area and setback of nearby homes was expected to dissipate operational impacts of indoor/outdoor activities on neighboring property. The average setback of the four nearest homes on Southeast 85<sup>th</sup> Street was 260 feet.

There would be some spatial separation between the subject and neighboring properties. Two residences are located south of the property at 1635 SE 85<sup>th</sup> Street and 1805 SE 85<sup>th</sup> Street. With the separation of the property and neighboring residential property, onsite activities were anticipated to minimize the possibility of conflict.

Public Works was requiring the dedication of additional right of way on 85<sup>th</sup> Street which the applicant agreed to. Shawnee Heights Fire District has restricted the building occupancy load to 153 people. Other building and life safety measures would also have to be satisfied before the building could be occupied by the facility. Based upon these factors, Staff is recommending the CUP be approved subject to the eleven conditions that were outlined in the staff report.

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Ms. McKenzie asked if there were any questions for Mr. Beagle.

Mr. Macfee asked if the applicant could serve food with the CUP. Mr. Beagle said the zoning would not allow for commercial land use to open an eatery/restaurant. It would only allow for special event occupancy and confined to that specifically. If they wanted to propose something outside the CUP, they would have to request to amend the CUP and see if it would be allowed as a reception, conference and assembly facility. If not, they would have to pursue rezoning.

Mr. Macfee asked if the CUP covered the whole development and existing structures. Mr. Beagle said the CUP included the 5 acre site only. The remaining 101 acres owned by the applicant would still be zoned RA-1. The CUP would only cover the existing 4,400 square foot building. It was important to note the applicant was not proposing any future improvement of the property.

Ms. McKenzie asked if the applicant was present and wanted to make a presentation.

Mike and Lisa Steinert, 1526 SE 85<sup>th</sup> Street, Wakarusa, KS 66546.

- In 2012, decided to follow their passion of wine production and do something with their product besides selling it to other wineries.
- Opened the existing 2,400 square foot building thinking it would be the extent of what they wanted to do.
- Once they opened, people came out to have their own experience and have larger gatherings.
- Found the existing 600 square foot tasting room was too small so they got a building permit to increase the size and have a very nice 2,600 square foot facility out in the country.
- People are excited about having the opportunity to come out and taste the wine, sit and relax.
- Want to provide a venue for weddings in the vineyard, receptions, group events, book clubs, birthday celebrations, corporate retreats and fundraising activities for larger corporations.
- Shawnee County has nothing similar so they were very pleased to offer something like this.
- Licensed to sell cheese, crackers and similar items but had no desire to become a restaurant.
- They don't want to be a giant winery like in California.
- Production was limited to about 4,000 gallons due to lack of square footage for anything more.
- Currently, they were sitting anywhere between 2,200-3,000 gallons of wine.
- They buy grapes from five other vineyard operators in a 40-mile radius.
- Virtually everything they do is a Kansas product.
- They are a value added product and agritourism is a big growing business in Kansas.
- Their small production facility in the last 22 months has generated right at \$10,000 worth of tax revenue and adding a reception and conference facility would only increase that.

Ms. McKenzie asked if they planned to asphalt the parking lot in the future. Mr. Steinert wanted to at least put down asphalt millings once their finances recovered from the last addition. He said they had an ADA accessible ramp and facility (doors, restrooms, etc.). They want to be able to eventually provide a hardscape floor for those individuals with handicap needs.

Mr. Appelhanz asked what type of music would be allowed. Mr. Steinert said there would be no concerts. He didn't want to listen to amplified music or have bands. If there was music, it was going to be confined to the inside and it would be acoustic. If there was music outside, any amplification would be minimal and instrumental. No rock bands.

Mr. Macfee asked Mr. Steinert if he had any issues with staff's recommendations and who would be providing the onsite supervision. Mr. Steinert had no issues and he would be handling the supervision.

Mr. Macfee asked for clarification on the hours of operation since Item 7 of the recommendations stated the facility would only be available by prearranged lease. Mr. Steinert said they were open 15 hours per

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week. Being the Chair of the Science Department at Washburn Rural, his schedule didn't allow him to be open longer. It was his intention to not go back to Washburn Rural so he could become a full time entrepreneur. If the CUP was approved, they would be open noon to 5-6 on Wednesday-Thursday; noon to 7 on Friday; noon to 6-7 on Saturday; and noon to 5 on Sunday. If there was a request to have a party until 8 p.m. on a Wednesday, he would approve that. Hours could be extended occasionally. It wasn't his intention to spend or have someone there in the building from 8 a.m.-10 p.m.

Ms. McKenzie asked if Item 7 only applied to the event facility. Mr. Beagle said the recommendations and conditions did not pertain to the existing winery business and it could continue to operate independently. This request would allow for expanded days of operation so the facility could be used for a reception, conference and assembly facility.

Mr. Steinert said they were fully cognizant of their neighbors and their right to be tranquil. They wanted to have a very minimal impact on anyone out there and their intent was honorable.

Mr. Desch asked if they had an alcohol license and if they planned to sell wine to the guests. Mr. Steinert said they had a license and would sell to the guests.

Mr. Tryon asked if there were any provisions to expand production in 2015 when a building permit was received to construct an addition for the expanded wine tasting area. Mr. Steinert said there were no plans to expand production. Mr. Tryon asked if there was a plan to expand production now. Mr. Steinert said they weren't expanding production now but only requesting to provide space for larger parties/groups to enjoy the facility. Mr. Tryon asked what their current production was. Mr. Steinert said their current volume was right at 3,000 gallons. The intent was to be able to distribute. There was capacity for more but now it wasn't quite possible for him to physically do it all.

Mr. Tryon asked Mr. Beagle if the County adopted building code regulations, would they have to comply if their production changed. Mr. Beagle said if the occupancy class changed or something like it, then the building code would apply. As far as production volume or something similar in the current space, he didn't know what effect the building code would have on that. They were still trying to understand the different codes and how they would potentially apply. Mr. Tryon asked if they would have to comply with the new regulations if the building size was changed due to production. Mr. Beagle said if the building was expanded from the current building footprint, they would still have to get a building permit to do that.

Mr. Desch asked about the lighting for the parking lot. Mr. Steinert said the parking lot was currently lit by a utility pole located right on the corner of the drive. A parking light shined toward the building and there was down lighting. There were three cans on the front of the structure and two down lit cans on the west side of the structure that softly illuminated the sidewalk and the front of the building.

Mr. Desch asked how they were going to provide light for the additional parking spaces in the larger parking lot. Mr. Steinert said they could easily attach another light to that pole and broadcast that light to the north to fully illuminate the parking lot. Mr. Desch was concerned about the trees. Mr. Steinert said there was quite a bit of trees to the east and as long as the light was shining to the north, he didn't think there would be a problem.

Mr. Desch said he was concerned about the lateral strength and if it would handle up to 153 people using it for a period of time. Mr. Steinert said the Environmental Health inspector looked at it and approved it. He said there wouldn't be 153 people because they wouldn't fit comfortably. At the first sign of trouble and weakness in the lateral system, it would be beefed up. There was 2,000 square feet and he currently didn't use enough water to cause the whole leach field to be green.

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Mr. Beagle said there was coordination with the Health Agency as well with other entities to get their comments and consideration on cases. The Environmental Health staff had visited the site and made the assessment that the existing system was adequate.

Ms. McKenzie asked if anyone wanted to speak in favor.

Jenna Henderson, 1003 SE 85th Street, Wakarusa, KS 66546.

- Known the Steinerts for quite some time.
- Thought the winery was beautiful and a nice quiet, relaxing place for people to visit.
- Thought Topeka and Shawnee County needed something smaller to accommodate people in a quiet area that wasn't a bar setting and not huge like Heritage Hall at the Expocentre.
- Lived out there eight years and down the road from them.
- Been a great asset to the community and to Topeka.
- Thought tax revenue being brought in was one thing and their success was another.
- Was in favor.

Richard Liedtke, 848 SE 93<sup>rd</sup> Street, Wakarusa, KS 66546.

- Lived a mile south and a mile west of the property.
- Something that hadn't really been mentioned was the economy it will infuse into Topeka. Not just the tax revenue. But if you looked at people taking Sunday afternoon trips, going to communities and visiting wineries, maybe stopping by a local restaurant to eat, getting gasoline, etc. It infuses additional economy into the Topeka market.
- They did a very nice job putting a venue together that was a picturesque hillside in Shawnee County.
- Out in the farmlands but at the same time a very nice winery to visit and have peace and quiet.

Michael Bradley, 6707 SW Windsong Drive, Topeka, KS 66619.

- Was happy to come out and support the Steinerts.
- Thought the setting itself was wonderful and quaint with the winery next to the vineyard.
- Thought it was complimentary to the area businesses like the racetrack.
- Thought the winery was one of the top kind and like for the rest of Northeastern Kansas.
- There is a northeast Kansas winery tour. Knew people from other parts of the state had visited here.
- Was a great addition to the economy and the region to have the winery.

Sue Stringer, Kansas Dept. of Wildlife, Parks and Tourism, 10209 Kansas Avenue, Topeka, KS 66612.

- Works at KS Dept. of Wildlife, Parks and Tourism managing the Agritourism and Byways programs.
- The Steinerts are a registered agritourism business in Kansas.
- There are approximately 300 registered businesses in Kansas.
- Wineries in Kansas were defunct for quite some time due to prohibition. Prior to that, Kansas was the third largest state of grape growing in the nation but it was slowly coming back.
- Now 37 wineries in Kansas and not only do they operate their business but they buy grapes from other Kansas vineyards so they were contributing to the economy in those areas.
- Drives in on Topeka Boulevard each day.
- The vineyard was nice to look at because it wasn't the nicest drive as you come into south Topeka.
- Her agency supports them as an agritourism business.
- Most vineyards and wineries are registered.
- Tourism in Kansas is huge, a \$9.8 billion dollar industry.
- As stated earlier, when out of town folks came to town to attend a wedding, they spend the night in a Topeka hotel, buy gas before they go home, eat breakfast at a restaurant and maybe enjoy some of the other things in Topeka.

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- When you talk about the \$9.8 billion tourism dollars that come into Kansas, the prime tourism targets are the vineyards and wineries in Kansas.
- Folks want to travel and they call them wanting wine maps.
- It was a wonderful venue.
- She grew up on a farm and her dad was a row crop farmer and raised beef cattle. They dealt with dust. Had he thought of diversifying his operation into something like this, it probably would have saved her family's farm.
- Was kind of a trend towards the urban folks wanting to go to the country to enjoy things.
- They get calls quite frequently of where people can go in Kansas in the country to have a wedding.
- Urged them to support businesses like this. The entrepreneurship that they have in looking at something different to use their farm and acreage.

David Drake, 8623 SE California Avenue, Wakarusa, KS 66546.

- Built a home about 15 years ago and live right around the corner from the Steinerts.
- Prior to that they lived on the west side of St. Louis. If you cross the Missouri river, you get into the hills and they were covered with wineries which were similar to what the Steinerts have built.
- On weekends, there would be various groups such as families, neighborhood, etc. at the wineries having picnics and getting together to have a nice day doing various activities.
- Very good venue for families and friends.
- Thought it would be a big benefit to the community.

Candace Temple, 3372 SW Westport Drive, Topeka, KS 66614.

- Does not live in the area but has known the Steinerts for 15 years and they were very honorable and respectful people not only of other people but the community.
- Was one of their patrons but not a bar goer and not a drinker.
- Very much appreciates the kind of atmosphere they offer to people like her who don't want to go to a bar but want to have a relaxing time.
- Took her bunko group to the winery. They were concerned about the driving distance. When she told them it would only take about 15 minutes, they were shocked and had no idea it even existed. The atmosphere and the control that the Steinerts have is amazing and they make you feel at home.
- No one was there to disrespect and no one was there to get drunk like at a bar necessarily.
- Was a more mature audience that is interested in going to a winery.
- Those wanting to have a party/wedding were there to respect the countryside and not trash it.
- Out of respect for the Steinerts, anyone who knows them wouldn't disrespect their land or property.
- Thought it was a great venue in Topeka.
- When she told her friends about the winery, they couldn't believe how close it was to Topeka and they weren't going to have to spend the night in a hotel. It was a drivable distance.
- It was amazing to have this for the community.

Todd and Kathy Hazard, 5320 SW 101<sup>st</sup> Street, Wakarusa, KS 66546.

- Supports the Steinerts.
- Heard people talking about the economic impact that their business has.
- Decided to plant an acre and a half of grapes and intends to sell them to the winery.
- Has spent money in Topeka for the vineyard so the money is trickling down.
- There are four other small vineyards in the area that were doing the same thing.
- If the Steinert's business grows, there will be more people and more money being spent in town.

Janice Kostelecky, 4131 SE 42<sup>nd</sup> Court, Topeka, KS 66609.

- Has known the Steinerts for 18 years and they are highly outstanding individuals.
- They will have a great venue for everyone to enjoy.

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- They will tackle a problem before it is even addressed by anyone else.
- Their quality of product for just the few years they have been in production is amazing.
- Their level is very comparable to any winery in Kansas.

Mike Chilcoat, 2625 SE Mercury Avenue, Topeka, KS 66605.

- He and his wife have visited most of the vineyards in NE Kansas and NW Missouri.
- Feels this is a very fine venue for agritourism and a fine environment.
- This vineyard and winery is at least as good if not better than any in this area including Missouri.
- As far as noise, it wasn't going to happen because people go out there for the peace, quiet, relaxation and for the enjoyment of being in the country and the views of the vineyard.
- People are not going out there to party but to relax and enjoy the company of the people.
- Didn't drink but found that wine people were good people who liked to sit around and have a nice glass of wine, enjoy themselves amongst friends and relax and that was the purpose of this site.

Mike Turner, 3231 SE 101<sup>st</sup> Street, Berryton, KS 66409.

- The Steinerts are already part of the community and participate in First Fridays and do a lot of stuff in connection with the City.
- Being a non wine drinker and being in the age group of the last year of the baby boomers, he does not like to attend functions at some of the bars.
- His fiancé saw this venue as part of a First Friday art walk so they visited.
- Hasn't known the Steinerts for very long but became friends.
- Knew the Steinerts were going to do the best for everyone in the community.
- Didn't go out there for any other reason but to be with people that were looking for the same thing.
- Has lived around the area for a long time and Topeka and the surrounding communities do not have something for his age group. Nice to have something for once.

Ms. McKenzie asked if anyone wanted to speak in opposition.

Louis Guth, 8726 SE California Avenue, Wakarusa, KS 66546.

- He lived previously across the road where his current girlfriend lives.
- The way the winery is right now is alright with 10-15 cars during the weekend.
- During the week, 2-3 cars will go by. Friday-Sunday, 8-9 cars will go to the winery.
- If 100 people with 50-60 cars going there, would be a dustbowl since the roads were all gravel and no asphalt except for 93<sup>rd</sup> and 77<sup>th</sup> Street.
- Would be adding 100 cars a week/200 cars a weekend.
- Went to the township's last meeting. Worked there two years. Township didn't have the money/facility to keep the roads bladed.
- Didn't know if anyone had drove on a gravel road in the middle of summer.
- They had cattle as well as others and were concerned about lime dust and other problems.
- Concerned about a big dust problem with 75 cars on an average on a Friday, Saturday and Sunday.

Richard Barngrover, 1949 SW 99<sup>th</sup> Street, Wakarusa, KS 66546.

- Clerk of Williamsport Township.
- Listened to all the comments and thought everything was good and wonderful but 85<sup>th</sup> Street was one of their worst roads in the township.
- Didn't have the funds to be grading it and sure couldn't blacktop it because the City took away too much of their property for tax valuation.
- Thought it was a good idea but he agreed with Mr. Guth.
- Bailed hay right down the road.
- People drive as fast as they can. Not just 40-50 miles per hour but more like 70-80 miles per hour.

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- Lots of dust when you were sitting out on a tractor.
- Signs had been posted that said to slow down for the dust.
- Understood the Steinerts paid for the calcium chloride in order to keep the dust down and that was fine in front of his own residence but there were other roads.
- No such thing as a good road.
- Trying to do everything they can to fix things up but with this amount of added traffic, he didn't know what was going to happen to that road.

Mr. Jacques asked Mr. Guth about the dust. Mr. Guth said there was only two to three vehicles but now they wanted to have big parties for up to 150 people and add 75 cars. There would be more dust going up and down that road. There was usually 20-30 cars during the whole day. Now you were adding another 75 cars at night. Now you were up to 100+ cars of dust vs. 30 cars through the whole day.

Mr. Jacques said that lime was mentioned. Mr. Guth said it was lime dust. Only lime rock was used. If you were breathing in too much lime, you were going to start getting sick. Just like humans, cattle don't want to breathe it in. People wear a mask.

Ms. McKenzie asked if there was a rebuttal from the applicant.

Mike Steinert, 1526 SE 85<sup>th</sup> Street, Wakarusa, KS 66546.

- Dust was a problem but was part of living out in the country.
- When they moved out in the country, they had no idea how much dusting was going to be involved.
- Lime was a problem for his vines also.
- They weren't going to be increasing traffic that much and be like the Blind Tiger having hundreds of people out there in the course of a week.
- They had a small facility and didn't see the traffic at that frequency.
- Had to deal with hay trailers, feed trucks and school buses coming down the road stirring up dust.
- Agreed that 85<sup>th</sup> Street from the time they moved out there in 2000, particularly between Adams and Topeka Boulevard, had really gone downhill but that was a maintenance issue and wasn't a reflection on anything they or their patrons have done.
- Vineyards were typically in the country.
- If that was the only thing that they had to deal with, he was very willing to put calcium on the road.
- A line of communication was really important.
- When they moved in, there were three houses in 2000. There were nine houses now.
- Just the fact that they have increased residences out there was showing increased traffic anyway.

Mr. Appelhanz asked who would put down the calcium. Mr. Steinert said Scott Wood Industries from Lenexa put it down last time. It ended up being \$1 per foot and he had 1,700 feet put down just so they could keep the traffic dust to a minimum.

Ms. McKenzie asked where the lime was placed. Mr. Steinert said it was put from the ½ mile line and went 1,800 feet.

Mr. Appelhanz asked how long it lasted. Mr. Steinert said if the ground was graded ahead of time and properly prepared, it lasted almost an entire year. They saw benefits from it. As time went on, then it got a little worse. When they graded it for the first time the winter after, it was still less dusty than what it was prior to the application. It lasted almost an entire year.

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Ms. McKenzie wanted to know why the calcium worked on the dust. Mr. Steinert said it was hydroscopic which meant that it absorbed moisture. When it absorbs moisture it was going to act like a sponge and hold onto those dust particles.

Mr. Appelhanz wanted to know where the majority of the traffic came from. Mr. Steinert said the majority of the traffic came up from Topeka Boulevard east 1.7 miles to the winery. That was the majority. He hadn't done any traffic studies.

Ms. McKenzie closed the public hearing and asked for discussion from the Commissioners.

Mr. Macfee asked Mr. Beagle if the roads were entirely a township responsibility. Mr. Beagle said that 85<sup>th</sup> Street was. Mr. Macfee asked if there was any way to approach the County. Mr. Beagle said if there was, he wasn't aware of it.

Ms. McKenzie asked if a letter was sent to the township to notify them of the hearing. Mr. Beagle said he appreciated Mr. Barngrover's comments. As part of standard operating procedure, any time an application was received, the Planning Department sends out a review memo to the township, school district, Public Works, Environmental Health, fire district, etc. hoping for a return comment. It helped to be more informed about how to evaluate the request. No communication was received from the township.

Mr. Tryon said the Board had received several CUPs in the time he has served. He found this request somewhat consistent from others they have approved in the past. He will be voting in favor.

With no further discussion by the Commissioners, Ms. McKenzie asked for a motion.

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

Mr. Beagle wanted to indicate that with the Planning Commission's recommendation, the item would continue on to the County Commission for formal determination on May 2, 2016.

- 5. Z16/01 by United Methodist Homes for the Aged, Inc. aka United Methodist Homes, Inc. AND Stormont-Vail Healthcare, Inc.** requesting to amend the District Zoning Classification from "RR-1" Residential Reserve District to "PUD" Planned Unit Development District on property generally located between SW Asbury Drive and SW Cannock Chase Road on the south side of SW 29th Street in Mission Township.

Mr. Beagle said the applicant was seeking to reclassify 32.59 acres reserved for open space on the northern boundary of the 168 acres known as the Aldersgate Village Retirement Community. Using the PUD district, the applicant was proposing to develop a cohesive medical and office park that enhanced not only the retirement village but the neighboring residential property.

The area to the north, east and south was predominantly residential in character with office/commercial development at the 29<sup>th</sup> and Urish intersection. The retirement community was the most dominant land use by the property. As restricted, the RR-1 District was intended to allow for a continued agricultural or rural residential usage until urban services were available to permit urban scale development.

Based on the established pattern of development and the availability of urban services, the property independent of its association with Aldersgate Village was no longer considered suitable solely restricted to agricultural and rural residential usage. Based on the area's predominant character, the

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expected property development would naturally first be considered for residential land use. Residential development, specifically single family development, would be most consistent with the adjoining single family residential neighborhood across 29<sup>th</sup> Street to the north.

The adjoining property immediately east (zoned O & I-2 Office and Institutional District) provided a transitional use buffer between higher intensity commercial development at 29<sup>th</sup> and Urish and established single family neighborhoods to the west. Based on the established pattern of zoning/development, the property was suitable for residential development. However, with its depth/configuration and access limited to 29<sup>th</sup> Street, it presented limitations for traditional single family residential development and was a weighting factor for its suitability for residential development.

The proposed reclassification would extend office development approximately 1,760 feet west along the south side of 29<sup>th</sup> Street. Outside of providing an appropriate transitional use buffer, office development could also be a compatible neighbor to adjoining residential development; therefore, the applicant was proposing to develop a planned medical and office park containing the use/development restrictions.

The Master PUD Plan, a program PUD, did not contain the development details specific to the location of buildings, parking areas and green space but contained specific program notes that defined the character of the development and set forth specific criteria for performance measures that have to be met with the site's development. The standards governing utility placement, parking and circulation, signage, exterior lighting, landscaping, an open space building design as well as use and development restrictions would have to be met through submission and approval of a site development plan prior to securing building permits to commence construction. If the Plan requirements were compliant, a site development plan for whatever portion was sought to be developed would then be approved administratively by the Planning Director.

The proposed Plan, Aldersgate Village Medical and Office Park, consisted of three lots each to be developed under a common set of guidelines.

Lot 1 comprised 7 acres with usage restricted to the O & I-2 Office and Institutional District, with building density restricted to a 25,000 square foot maximum building footprint per structure and a maximum building height of 35 feet. At least 20% of the lot or 60,984 square feet of the property was to be reserved for common open space.

Lot 2 comprised 15.37 acres with usage restricted to the O & I-3 Office and Institutional District with a set floor area ratio of .18 that will permit a gross floor area of 120,513 square feet. No individual structure constructed can exceed a maximum floor area of 25,000 square feet. Lot 2 is subject to a 20 foot open space requirement. 133,903 square feet must be reserved for common open space.

Lot 3 comprised 10.22 acres with usage restricted to the O & I-2 District. It was also subject to a floor area ratio of .18 that would permit a gross floor area of 80,133 square feet and further restricted such that no multitenant structure can exceed 25,000 square feet and no single tenant structure can exceed 5,000 square feet. It was also subject to the 20% common open space requirement meaning that 89,037 square feet has to be integrated into this lot's development as common open space.

In order to create an attractive office park and maximize compatibility with the residential neighborhood, certain performance measures were included in the PUD and restricted to the following uses:

Use of Lots 1 and 3 (O & I-2 District) would be restricted to professional offices, cultural facilities (museum), elementary or secondary school, public parks, business or vocational school, medical care facility type II (nursing home) and retail/food sales incidental and subordinate to an onsite principal use.

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Use of Lot 2 (O & I-3 District) would include the same uses as O & I-2 but would also include reception, conference and assembly facility, community center, hospital, portrait/artist studio, research laboratory.

Specifically, the applicant excluded 24 uses (otherwise allowed by the O & I-2 or O & I-3 District) because of the possibility of conflict with the adjoining residential neighborhood.

Only Lot 3 shares the most frontage along 29<sup>th</sup> Street which coincided with the residential neighborhood to the north. The floor area limitation for this lot along with the 20% minimum set aside for open space in addition to landscaping requirements and other performance measures are anticipated to effectively integrate the lot's development with that of the adjoining residential neighborhood.

The Plan incorporates landscaping and requires at least 20% of each lot to be set aside for common open space (excluding buildings, structures, drive lanes, access ways, parking and loading areas).

Open space would consist of: Lot 1-60,984 square feet (1.4 acres), Lot 2-133,903 square feet (3.1 acres) and Lot 3-8,937 square feet (2 acres). The open space must also be integrated into the design of the project as part of organized and accessible space as opposed to land simply left over as a result of development. At the time of the site development plan submission, open space must be shown as being incorporated as an effective part of the site design. The Plan also stipulates that street trees have to be planted along all street frontages within the park as an attractive landscape amenity.

Site lighting must be designed to minimize spillover lighting on neighboring property. Light standards would have to be attractive like fixtures, have a unified lighting design and use color correct lighting fixtures for true color at night which would ensure visual comfort.

Signage would be restricted to monument signs which would have to be located within a planter setting within landscaped islands. No pylon identification sign would be allowed.

Building design would include that all buildings be visually linked to architectural style, color and materials, etc. The intent is to develop a planned professional office park that means consistency of design as opposed to just a random collection of buildings.

It is the Planning Department's belief the combination of performance measures and use and development restrictions will result in the development of a distinctive office park that will be compatible with that of the adjoining residential neighborhood. It is staff's recommendation to approve the proposed reclassification subject to the use and development of the recorded Master PUD Plan of Aldersgate Village and Medical and Office Park.

Mr. Jacques questioned the amount of open space being built into this project. He wanted to know who would decide when sprawl should be minimized versus trying to cater to the surrounding community.

Mr. Beagle stated the property had been reserved for open space since Aldersgate Village came into existence (40+ years) and the neighborhood to the north had appreciated that it remained vacant. If they had wanted to separate this tract and develop it independently from Aldersgate Village, they would have had to determine the most appropriate type of land use and how it would be integrated to avoid conflict with the residential neighborhood to the north.

There was no real concern of what was being proposed in relationship to the existing properties. Had it not been a neighbor to an established single family neighborhood then probably a higher density type of office project could potentially be supported. He applauded the applicant's effort to allow for some other

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type of transitional use of the property other than open space but also recognizing its relationship to the residential neighborhood to the north.

He didn't know if he would necessarily consider it to be a low density type of sprawl per se or maximizing the opportunity in its present setting so as to be a compatible office park. They could argue for allowing even half or twice as much square footage as to what they were proposing. And maybe it would be considered appropriate given the setting and given how they were proposing to develop the project. In this case, the applicant submitted numbers they were comfortable with. They were going to tag onto municipal services for water and sanitary sewer service. They still felt it was economically justifiable based upon the figures they indicated.

Mr. Tryon assumed that the 23 types that were left out weren't as applicable with this site in relationship to the residential development. Mr. Beagle didn't know if it was the terrain or other issues that prevented this property from being developed. A drainage way traversed through the property and maybe that was a mitigating factor for considering its development. The applicant could address it. It had always remained as open space and nothing else had been proposed.

Angela Sharp, Bartlett & West, 1200 SW Executive Drive, Topeka, KS 66615.

- Representing Stormont-Vail and Aldersgate Village.
- A great project for our community brought about by the partnership of two of our premier health care providers in Topeka and Shawnee County.
- David Cunningham from Stormont-Vail and Jerry Nye from Aldersgate Village were present.
- Mr. Beagle did a great job of providing a broad overview of the project.
- There were some natural terrain features that go into the way they laid out the design.
- Drainage ways located across the property broke it up into a couple of smaller parcels.
- The depth and the slope of the property from 29<sup>th</sup> Street down to the ponds prohibited it in being a financially feasible residential development because it wasn't deep enough to have a cul-de-sac or any street connectivity and there had to be a limited number of access points onto 29<sup>th</sup> Street. The residential area to the north was limited to access off of the side streets.
- There were limited accesses: one lined up with Ancaster and one lined up with Dukeries so the grassy areas between those two drainage ways had to have an access point onto 29<sup>th</sup> Street.
- The PUD property within Lot 3 was limited to just two access points.
- Lot 1 was under contract by Stormont-Vail for a clinic site (similar to the one opening in northern Shawnee County at 46<sup>th</sup> and Fielding Road) and will gain access off of Asbury Drive so it won't access 29<sup>th</sup> Street.
- Lot 2 will also gain access off of Asbury Drive and would be retained by Aldersgate Village. Their board has looked at making it a step down medical facility similar to Kansas Rehab. There were not enough facilities in our community for transitional care in between a hospital stay and going home.
- All of the uses that were suggested within the PUD were a good fit with both the residential development to the north and with the overall mission of Aldersgate Village to the south.
- Susanna Wesley did have access on 29<sup>th</sup> Street but entered into an agreement with Aldersgate Village to tie in on Asbury. When people from Aldersgate Village went to the church, they didn't have to get out onto 29<sup>th</sup> Street. Similarly people would be able to access the clinic at Stormont-Vail without having to get out onto a busy street.
- With the improvements on 29<sup>th</sup> Street over the last couple of years, one of the added benefits was a left turn lane was added on Asbury Drive and there's also a center turn lane along 29<sup>th</sup> Street the whole way. It added a great improvement to the transportation infrastructure.
- A question had been raised as to how to facilitate the building square footage, parking required and green space requirement within each of the lots.

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- The building square footage at the 18% was balanced by the parking that was required at the 400 square foot per stall rate that was the office parking rate. Close to 20% would be building, close to 20% would be parking and then 20% would be green space. It left about 40% of the lot as additional open space.
- The property to the north had drainage ways so there really wasn't a lot of open space left to be developed so not much density could be gained.
- Not only did they look at how it would transition and affect the northern residential neighborhoods but obviously this was the front door to Aldersgate Village.
- There was a high vested interest in it being an attractive development for the entire area since it was the first thing anyone would see when they came to their campus and why they put some fairly stringent controls on the PUD. Not only for their neighbors but for themselves.
- Originally, they indicated the maximum building height would be 35 feet for Lot 1 (Stormont-Vail Clinic). With the property dropping off to the south, they wanted to have a walk-out on the lower level and then two stories which would show from 29<sup>th</sup> Street. There would still be a nice facade from 29<sup>th</sup> Street but it would allow them to use the lower level instead of just having a basement.
- They were requesting to make a correction to the Plan and raise it from 35 feet to 40 feet which was still well below the 75 feet that was normally allowed in the straight O & I-2 zoning.

Mr. Desch asked for clarification on the proposed amendment of adding a walk out. Ms. Sharp said it would be changed to 40 feet and three stories would be seen from the back on Lot 1 only. The preliminary grading had been completed and it was included as an exhibit in the drainage report showing that a walk out was available for Lot 1.

Mr. Desch wanted to know why they would build an 80,000 square foot building and then restrict 25,000 square feet to one tenant. It wouldn't eliminate the number of people. If there was a tenant who wanted all 80,000 square feet, they couldn't get it. It would equal the same whether there was one user or four users. The traffic and parking would also be the same. It wouldn't make any difference if one building had 80,000 square feet or if there were four units with 20,000 square feet each.

Ms. Sharp said they were trying to avoid the big box type development and keep it to smaller users at more of a neighborhood scale. They didn't want one user to have that many square feet in a footprint.

Mr. Beagle said they were trying to integrate the new buildings into the single family neighborhood to the north without them being a burden or an overbearing encroachment based upon the scale of building sizes within the office development. The floor area ratio set for Lot 2 was 120,513 total square feet and for Lot 3 was 80,133 total square feet. Looking at it within the context of the neighborhood, they wanted to retain the building square footage but realize it in smaller building increments of maximum 25,000 square feet. The occupancy was not as much the issue. The net result would be the same on parking. They would still have to put in parking at a ratio of one space per 400 square feet of building area.

Mr. Desch didn't understand why they were restricting it to 25,000 square foot units. He asked if they could come back for an amendment.

Mr. Beagle said they would have to come back and seek to amend the PUD Plan. Based on the nature of the change, it could be approved administratively or it would go back through the public hearing process. The applicant was trying to be a good neighbor.

Mr. Macfee asked what involvement the city had in this process and if the roads were adequate. Mr. Beagle said the City would be the water and sanitary sewer supplier. The roads would be maintained by Shawnee County Public Works. They had no issues relative to 29<sup>th</sup> Street and being able

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to accommodate site generated traffic. There was a plat of subdivision (Sherwood Estates Subdivision #65) in process through the City that coincided with this request.

Mr. Macfee asked about Asbury Road. Ms. Sharp stated it was curb and gutter and storm sewer. It was a typical City section, 29 feet back to back at the narrowest and wider in most areas. With the 29<sup>th</sup> Street improvements, a left turn was constructed so the entrance was actually three lanes. The City recently installed a new water line along the whole frontage. The sanitary sewer goes to the Sherwood Wastewater Treatment Plant so they would be paying the Sherwood Wastewater treatment fees associated with that. Prior to the 29<sup>th</sup> Street improvements, there was a separate zoning case back in 2007 and the condition of 29<sup>th</sup> Street was a concern at that time because it was just two lanes with ditch sections. A traffic analysis was completed at that time. With the traffic generated, even that section was acceptable for traffic generated by the proposed development. She was sure Mike Welch, Public Works, reviewed this proposal. With the center turn lane being installed and the ditch sections taken out, she was sure it was at an even higher level capacity than it was at that time.

Mr. Macfee asked if there was a stop sign at Indian Hills. Ms. Sharp stated a roundabout was constructed there and at Urish. Construction was starting soon for the widening of 21<sup>st</sup> Street and a roundabout that will be at 21<sup>st</sup> and Indian Hills.

Mr. Macfee asked if they would be keeping any of the three ponds. Ms. Sharp said they would definitely be keeping all three ponds. The Aldersgate Village residents used the ponds. Along the entire north side of the ponds, there was an asphalt walking trail that was one of the considerations when they looked at where to have the boundary for Lot 3. It was the best configuration so the folks in the office development would be able to make use of not only the views but the walking trails along the ponds. The south line was kind of a funky configuration because it followed along that walking trail.

Mr. Macfee wasn't sure what condition they were in now. Ms. Sharp said they were kept in nice condition so that their residents could use them. There was asphalt so wheelchairs could access it.

Mr. Tryon asked if there were two drives off of Lot 3 off 29<sup>th</sup> Street. Ms. Sharp said there were.

Mr. Tryon asked if the general lighting for the parking lots would be similar to what was used now at Aldersgate. Ms. Sharp said the criteria was under Note #5 under utility notes. They were providing a little more control than what was normal. Note #4 actually indicated what they would normally have.

Mr. Tryon asked if there was a color criteria. Ms. Sharp said lighting studies would be completed when the development was finished to find out what would work best. Mr. Tryon wanted to know about the hue. Ms. Sharp said they hadn't determined that specifically. Mr. Beagle said it was incorporated into the Plan Note that the yellow lights used in shopping centers wouldn't be used. It would be color corrected type lighting.

Mr. Desch asked if they had to get permission from Aldersgate to get an access to Aylesbury and who would maintain it. Ms. Sharp said they did because it was a private drive. There was an access easement on the plat and it was noted on the PUD that it was a shared access easement and they were responsible for maintenance. It was Note #4 on the circulation parking and traffic notes and an access easement was also referenced on the plat that was being approved by the City.

Mr. Jacques asked if a community meeting was held. Ms. Sharp said no meeting was held. In 2007, it was a different type of proposal because it did include some commercial development. She knew that Aldersgate received quite a few calls then and had held a neighborhood meeting. Mr. Beagle said over 200 notices were sent to property owners. He did not receive one phone call in regard to this project.

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Ms. McKenzie asked if anyone wanted to speak in favor.

Sarah Oetting, 7410 SW Bingham Road, Topeka, KS 66614.

- Had not been informed of the meeting but wanted to know what was going on in the neighborhood.
- A new road was just built with sidewalks and didn't want it tore up again.
- Asked what the impact was going to be on 29<sup>th</sup> Street and how was it going to coincide with the 21<sup>st</sup> Street roundabout that was going in.
- They spent the last two years with limited access.
- Asked who would handle the road maintenance.
- When 29<sup>th</sup> Street was built, they moved in and it was tore up that summer. She was surprised to see that a cross walk was not put in at any point since there wasn't originally a sidewalk along the south side of the road and then they put one in. They were running across three lanes of traffic now and with small children and the school there, she wondered if that was a possibility.
- Asked if the trails would be available to the public.

Ms. Sharp said it would not impact 29<sup>th</sup> Street. When they put the access ways in, they would be cutting out a foot of the existing pavement to tie in a new driveway. There would be some blockades while they were building the entry way. It would not close the road and they will be required to put new handicap ramps that would tie into the drive on either side from the new sidewalk. For the Stormont-Vail development at the corner, their access would come off of Asbury Drive so there would be no impact there. Road maintenance would be completed by the County.

Mr. Jacques said his work partners lived in the area and all the children had to ride the bus to get to school. If someone lived directly across the street, they still had to ride the bus. Mr. Tryon said it had been addressed at a previous City Planning meeting in relationship to Washburn Rural. Washburn Rural specifically requested there be no crosswalk.

Mr. Desch asked if only one building have an access to 29<sup>th</sup> Street since everything was being developed into that controlled intersection or would there be a traffic signal at Asbury.

Ms. Sharp said a traffic analysis was previously done and they had looked at whether or not a traffic signal was warranted at a certain location. The amount of traffic generated by this many square feet and this type of use did not meet the traffic engineering warrants for a signal. As far as the sidewalks and the crosswalks, she thought USD #437 did have a policy that they do not allow their students to walk to the neighborhood schools. When they put in the new intersection and street with the new elementary school, Farley, they did not build a sidewalk right in front of the school building because they didn't want children walking to school. They needed to arrive by either bus or parent.

Ms. Sharp stated the trail was south of the new property line so it would still be owned by Aldersgate Village and part of their facility. She didn't know if that would be opened up to the public.

Jerry Nye, 7220 SW Asbury Drive, Topeka, KS 66614.

- CEO at Aldersgate Village.
- Didn't anticipate opening the trails to the public because it was part of the amenities for their 350 residents.
- Lives there and wants everything to be as aesthetically pleasing as possible.
- Have been working on this for some time and with a great deal of forethought.
- Want to be a fantastic addition to the community.

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Mr. Macfee assumed they owned the land to the west and wanted to know if it was part of the PUD. Mr. Nye said it was included in the PUD. Mr. Macfee asked if there were any plans to develop it. Mr. Nye said there were no plans. They were really in the mode of repositioning Aldersgate for the next 10-15 years. It really wasn't creating a bunch of new independent living development. They wanted to be a great neighbor and have it fit within the use of the neighborhood and community. If there was something that could be developed, they would consider it.

Mr. Desch asked if Aldersgate was tax exempt. Mr. Nye said he had completed an extensive study to convince the County/City how much economic development they created. They weren't tax exempt in everything. They didn't pay property tax but paid income tax. They created about \$60 million in taxable revenue just for the operation alone every year. Mr. Desch asked if the new development would be taxable. Ms. Sharp said Lot 3 would be along 29<sup>th</sup> Street. Mr. Desch asked if it was going to be maintained under Aldersgate's tax exemption. Ms. Sharp said Stormont-Vail Healthcare was tax exempt. Lot 1 was for the Stormont-Vail development, Lot 2 was being retained by Aldersgate and Lot 3 would be sold to other owners so that would be taxable depending upon who purchases it. Mr. Desch stated there wouldn't be any economic income coming into the County or City. Ms. Sharp said Lot 3 would. Mr. Nye said they did an incredibly extensive study about the taxable benefit that was created because of the residual and everything they created at Aldersgate and the corresponding operation. They have a \$25 million operating budget. They have 350 employees. They created \$60 million in revenue for the state, county and city. They didn't pay property tax but paid tax on many of their items and the vendors they did business with paid taxes and they buy from them. An incredible economic benefit. He sits on the Go Topeka board and the Economic Development board. Aldersgate was an incredible boon to the County and it has been a great partner. There was a tremendous amount of economic benefit from any of the development. Mr. Desch appreciated what he said but they were still exempt from property tax.

Mike Cast, 7426 SW Bingham Road, Topeka, KS 66614.

- Lived in the residential area for 20 years and has driven passed there all those years and has always been concerned about what was going to come in there.
- Appreciated the fact that Aldersgate has done a fine job of trying to merge in with the neighborhood and was ecstatic that they do not have Wal-Mart Southwest coming in there.

Ms. McKenzie closed the public hearing and there was no discussion from the Commissioners.

Mr. Appelhanz moved for Approval of the proposed reclassification with the height increase on Lot 1 from 35 feet to 40 feet; second by Mr. Jacques, and with a vote of **6-0-0** 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. Update on Building Code Committee**

Mr. Beagle stated the 19-person Building Code Committee (BCC) was tasked with trying to craft a building code and had divided themselves into three working committees: one is specifically looking at the building code itself; another one is specifically looking at what a County building code program would look like, the cost and how it could be 100% self supporting to meet the requirement set by the County Commission; and the third is looking at what would it look like if they negotiated with the City of

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Topeka to extend their building code program into the unincorporated area. The committees were doing their own work with staff support. The goal is to return with a recommendation to the County Commission by January 2017.

**2. Update on Comprehensive Plan Proposal**

Mr. Beagle stated the County Commission on a 2 to 1 vote authorized the agreement for consultant services to hire RDG Planning and Design from Omaha. They will work with us to develop a comprehensive plan for the unincorporated area. He has been in contact with the consultant. They were gearing up and probably by May 1 would be hitting the pavement. One of the first things to be done will be to appoint a steering committee that would be tasked with the responsibility of overseeing the work of the consultant and providing direction/guidance throughout the process. The committee would consist of a variety of people throughout the County. He was happy and pleased with the result of getting it approved and looking forward to the process and public engagement.

Ms. McKenzie asked if names were needed for the committee. Mr. Beagle said it would be extremely helpful if they knew of individuals who would be willing to serve on a steering committee and to let him know and he could share that with the County Commission.

A kickoff meeting will be held to educate the public as to the process. Letting people know that there will be plenty of opportunities to get engaged in the process.

**Adjournment:**

Mr. Jacques moved to adjourn, seconded by Mr. Appelhanz. A unanimous voice vote declared the public hearing be adjourned, which was at 8:32 p.m.