

**MINUTES OF THE
SHAWNEE COUNTY PLANNING COMMISSION**

**Monday, October 9, 2017 – 6:00 PM
Shawnee County Annex**

Roll Call and Announcement of Hearing Procedure: Pat Tryon, Chair, called the meeting to order at 6:02 p.m. and asked for roll call to be taken.

Members Present: Pat Tryon, Jerry Desch, Brian Jacques, Judy Moler, Christi McKenzie and Brian Aubert. With six members present, a quorum was established and the meeting was called to order.

Members Absent: Matthew McCurry

Staff Present: Barry T. Beagle, Planning Director; Joelee Charles, Administrative Assistant; Joni Thadani, Assistant County Counselor.

Approval of August 14 and August 28, 2017, Public Hearing Minutes: Mr. Jacques moved to approve the August 14 and August 28, 2017, Public Hearing minutes, seconded by Ms. Moler, and with a unanimous voice vote, the minutes were approved.

Communications: Mr. Beagle provided the commission with a copy of his response to the County Commission's concerns and objections raised with regard to the Comprehensive Plan at the October 2nd County Commission meeting.

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. Z17/01 by Frontier Enterprises, Inc.** requesting to amend the District Zoning Classification from "RR-1" Residential Reserve District to "PUD" Planned Unit Development District (light industrial usage) on property located at the southeast corner of NW 54th Street and NW Button Road in Soldier Township.

Mr. Beagle stated this request for reclassification would allow for four, 10,500 sq. ft. metal storage buildings to be built on a 3.49 acre parcel located next to the applicant's existing storage facility located immediately to the east. The Sterling Chase neighborhood was located to the west. The surrounding area consisted of rural residential home sites and platted residential subdivisions. Undeveloped land to the north/south would likely be used for residential land use.

In 1970, the existing storage facility was reclassified to the "I-2" Heavy Industrial District and had been used as a non-conforming grain storage facility for a number of years prior to reclassification. The area was predominantly agricultural so the change was considered acceptable. An existing 100 acres of heavy industrial zoning to the south included a wood preserving plant. The Rock Island and Pacific railroad ran along the east boundary. Since then, the 100 acre parcel to the south was reclassified back to the "RR-1" Residential Reserve District with the removal of the wood preserving plant; the rail line has been closed and the tracks removed; and the surrounding area has transitioned predominantly to residential land use. With increased residential development over time, the existing storage facility has become more isolated and inconsistent with the developing residential character of this area.

Given the developing residential character of this area and location across from the Sterling Chase residential neighborhood to the west, it would be expected that the subject property would be suitable for residential land use as presently restricted. However, the site's location adjacent to a 17-acre tract zoned for heavy industrial use is expected to diminish its suitability for residential land use as presently restricted.

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This reclassification would rezone the proposed property to a PUD District to allow for expansion. In order to minimize its impact and effect on the surrounding residential area, the Master PUD Plan includes use limitations and design standards as follows: The property would only be used for warehouse storage purposes, any other use as allowed by the "I-1" Light Industrial District under the umbrella of the PUD District would not be allowed; the exterior storage of equipment, materials, vehicles and machinery would be prohibited; all lighting would be directed to the property's interior and shielded/recessed in order to minimize cast off lighting beyond the property; and, landscaping would be installed along Button Road and along the south property line and would provide for a buffer or screen to that of the adjoining residential neighborhood.

It was believed the existing industrial property was not a precursor for future industrial expansion, but with the PUD, it would allow for a viable use of the property which probably would not be developed under the present RR-1 zoning district. This reclassification, under the terms and conditions of the Master PUD Plan, would not be a deterrent to the continued use and development of this area for primarily residential purposes. Staff was recommending approval subject to compliance with the recorded Master PUD Plan and the property be platted as a subdivision before a building permit was secured.

Mr. Aubert asked why a subdivision had to be created. Mr. Beagle stated under the zoning regulations it was indicated that any use established required it be platted with the exception of agricultural land use or establishing a single family dwelling under the plat exemption criteria. It would provide the opportunity to look at drainage conditions, utilities, right-of-way dedication requirements, etc.

With no additional questions for Mr. Beagle, Mr. Tryon asked if the applicant had a presentation.

Warren Beavers, President, Frontier Enterprises, 5976 SW 31st Street, Topeka, KS 66614.

- Indicated there were six existing buildings instead of five.
- Stated Cindy Wolf, another owner of the operation, was also present.
- Stated the report presented was adequate and offered to answer questions.

Mr. Desch asked how they controlled what was placed in the storage units. Mr. Beaver stated the proposed buildings would be used for either motor homes or large RVs. They would not be the mini storage like in the other building. Two of the existing buildings were used for RVs and motor homes. They had no way of controlling what was stored in the self storage units or look in them. It was an interesting business and theirs was rather unique due to the location. They have had customers since they opened and most lived within a ten mile radius of their location.

With no members of the public present, Mr. Tryon closed the public hearing and asked for discussion from the Commissioners.

Mr. Jacques asked about the fencing and wainscoting. Mr. Beagle stated the proposed fencing would wrap around the building's south end as well as on 54th Street and tie into existing fencing. There would be fencing between the buildings. It would be a metal building with a shallow pitched roof and the trim would be a hunter green color. They tried to make it more compatible with the adjoining residential properties along buildings one and two facing Button Road as well as the south end. The buildings would include four foot wainscoting of hunter green color and the building color would be tan.

Mr. Jacques asked if all neighbors were notified. Mr. Beagle said all neighbors within a 1,000 foot radius were contacted.

Mr. Aubert asked if the PUD required drainage ditches since the buildings would be close to the roadway. Mr. Beagle stated those would be addressed in the plat.

Mr. Desch asked if any of the neighbors had responded. Mr. Beagle said he was not contacted.

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With no further discussion among the Commissioners, Mr. Tryon asked for a motion.

Mr. Jacques moved to recommend Approval of the item with the five conditions noted in the staff report; seconded by Ms. McKenzie. With a vote of **6-0-0**, the item was recommended for **Approval**. Mr. Beagle stated the County Commission would consider the item for final determination on October 30th.

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

Comprehensive Plan

Mr. Beagle stated a report was provided to the County Commission responding to the objections and concerns raised at their October 2nd meeting. On October 12th, there would be a second reading and hear any additional public comment. The plan could be approved as recommended by the Planning Commission or the County Commission could disapprove or approve it subject to changes and return it to the Planning Commission to address those changes. The Planning Commission would send their response back to the County Commission for a final decision. He anticipated the plan would be sent back to them. The Planning Commission could address it at their November 13th meeting along with one other case. The County Commission also could grant the Planning Commission an extended time frame to review their changes. He would request additional time if he had the opportunity. Thirty days was a tight time frame. It would provide the Planning Commission with some flexibility to place it on an agenda and consider it and then offer something back to the County Commission within that time frame.

Additional questions were raised by the Planning Commission members regarding the process.

Ms. Thadani stated the statute sets forth a thirty day time frame; however, the County Commission could approve additional time. Another public hearing would not be required unless the County Commission requested one. The plan would be set as an agenda item as part of a Planning Commission's regular meeting but would not have to be published with twenty days' notice. It would not be considered a public hearing but would be open to the public. A time frame of thirty days might be difficult for the process to be completed.

The County Commission would vote on the plan as with any other item and a two-thirds vote would be required to return it to the Planning Commission. The County Commission would have to provide a list of the items they wanted reconsidered or suggestions of things they wanted to change. The County Commission could also defer it. The action on the plan would be in the form of a resolution signed by the County Commission which required a first and second reading. If the plan was sent back to the Planning Commission, they would review the resubmission and if you agreed you would make a motion, second and vote on it and then it would go back to the County Commission. At that point, the County Commission would reconsider the plan the Planning Commission sends back to them and they would have to vote on it again. The County Commission could make changes to it, accept it or they could decline it. The decision on the plan would be passed by a two-thirds vote

Mr. Aubert said he would listen to the audio if he couldn't attend. If they did send it back it might be good for them to keep in mind what issues they had with it. Mr. Beagle encouraged everyone to attend.

Adjournment:

Ms. Moler moved to adjourn, seconded by Mr. Aubert, a unanimous voice vote declared the public hearing be adjourned, which was at 6:32 p.m.