

**MINUTES OF THE
SHAWNEE COUNTY PLANNING COMMISSION**

**Tuesday, November 13, 2018 – 6:00 PM
Shawnee County Annex**

Roll Call and Announcement of Hearing Procedure: Judy Moler, Chair, called the meeting to order at 6:04 p.m., reviewed the hearing procedure and asked for roll call to be taken.

Members Present: Judy Moler, Matthew McCurry, Chad Depperschmidt and Christi McKenzie. With four members present, a quorum was established.

Members Absent: Brian Aubert, Jerry Desch, Jake Fisher.

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

Approval of October 8, 2018, Public Hearing Minutes: Ms. McKenzie moved to approve the October 8, 2018, Public Hearing minutes, seconded by Mr. Depperschmidt, and with a unanimous voice vote, the minutes were approved.

Communications: Mr. Beagle stated three additional communications were provided to them as well as those included in the agenda packet.

Ex Parte Communication by Members of the Commission: None were indicated.

Declaration of Conflict of Interest by Members of the Commission or Staff: None were indicated.

Zoning and Subdivision Items:

1. **CU18/06 by McCollum Family Trust** seeking a Conditional Use Permit to establish a bed and breakfast inn on property zoned “RR-1” Residential Reserve District and located at 3521 SE Paulen Road in Tecumseh Township.

Mr. Beagle stated the applicant is requesting to utilize 8.3 acres of their total 30.40 acre tract in order to use their home as a bed and breakfast inn and their 1,344 square foot barn for social events. The remaining 22.1 acres will continue to be used for agricultural purposes. The property is located on the fringe of residential development extending east of Lake Shawnee. The area consists of platted subdivisions, individual rural residential home sites and large undeveloped agricultural tracts. It is anticipated to continue to transition for primarily low density residential land use.

The bed and breakfast inn would include up to four guest rooms. Areas of the home would be shared by guests. There would be no change to the exterior appearance. Events such as weddings, receptions, parties, business engagements, etc. would be held in the barn located south of the dwelling. Up to five events per month could be scheduled by prearranged lease and held on any day of the week between 9 a.m. to 10 p.m. No more than one event would be held at one time. The Shawnee Heights Fire District set the maximum occupancy for the barn to 90 people.

Two outdoor areas located by the barn could be used but no outdoor sound amplification is allowed. A four foot wooden privacy fence is proposed to be built along the south side of the entrance drive for the first 125 feet into the property in order to shield the house immediately south of the drive from headlights of southbound vehicles turning into the property. A 33 stall gravel parking lot is proposed to be built near the north property line. A two foot high guard rail will be installed along the north property line at the parking lot to contain traffic movements.

Given the size of the parcel, setback from adjacent property lines and physical separation from nearby residential property, it is not anticipated that the combination of social events in conjunction with the bed and breakfast inn will have an adverse impact on neighboring property. Overall the Planning Department finds the operation of the bed and breakfast inn to be consistent with its setting; however, to maximize compatibility with neighboring property, the Planning Department recommends the CUP be approved subject to the conditions outlined in the staff report.

With no questions for Mr. Beagle, Ms. Moler called Mr. McCollum to make his presentation.

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Rod McCollum, 3521 SE Paulen Road, Topeka, KS 66605.

- Originally submitted a letter with details of the operation. Submitted a new letter recently with changes based on the neighbors' concerns.
- Will pave the driveway from his initial profits due to the concerns about dust off the driveway.
- Not trying to optimize a business plan to make lots of money. Wants to make a retirement income so he can live on the same property that he was born and raised on.
- Wants to schedule one wedding on a Saturday afternoon. The other events would be more for charity and neighbors that he can help.
- Would provide some jobs for high school students.
- Would generate local dollars and generate more tax dollars.
- The barn has been renovated. The west end of the barn would be used for the business.
- Weddings would be held on the bottom deck. Guests could sit outside. A tent would be available to keep them out of the weather.
- The upstairs portion of the barn would be used by guests to get ready for weddings.
- Was not sure if the barn would be viable for use in the cooler months since it was a smaller barn.
- Wants to preserve the small barn and decorate it similar to Cracker Barrel.
- The barn is located about a quarter mile from Paulen Road and cannot be seen since it is in a valley.
- The western part is surrounded by trees.
- Outside activities would be kept in the west area.
- Additional trees could be planted.
- Asking for patience and understanding and if he is allowed to share his property, he could grow old and die where he was born and raised.

Ms. McKenzie asked when the business would open. Mr. McCollum is planning for it to be available in the middle of April 2019. Originally, he wanted to build another home after taking care of his mom and dad but found out he could not have two houses on the same driveway.

With no further questions for Mr. McCollum, Ms. Moler asked if anyone wanted to speak in favor.

Tony Arbaiza, 4125 SE 34th Terrace, Topeka, KS 66605.

- Lived at his home for over twenty years and has enjoyed the view from his deck overlooking the McCollum property, including the barn, which is close in proximity.
- Met with Mr. McCollum and was provided a tour. A lot of work was completed.
- Thought it would be nice for special events.
- Spoke with some young people recently about Mr. McCollum's plans. These event centers were in high demand. Knew someone who has to wait until the spring of 2020 for their venue to get married.
- Thought it was a good business model.
- The alternatives of possibly losing the view, dealing with months of construction, lower property values and the loss of a good neighbor didn't sound too good to him.
- Thought Mr. McCollum's request was very reasonable.
- With self imposed limits, disturbances and the impact to the neighborhood will be minimal.
- Hoped Mr. McCollum would be given the opportunity to make his plan become a reality.

With no further comments in favor, Ms. Moler asked if anyone wanted to speak in opposition.

Kirk Behymer, 3625 SE Paulen Road, Topeka, KS 66605.

- Concerned about increased traffic on Paulen Road, decreased water pressure, who would enforce the curfew and the number of events per month.
- Asked if people would park on Paulen Road during inclement weather.
- The paperwork states events would conclude by 10 p.m., with a maximum of five events per month. Has never been to a wedding reception that concluded by 10 p.m.

Mr. Depperschmidt asked who would enforce the rules. Mr. Beagle stated events would be self enforcing. The proposed 33-stall parking lot should be sufficient for up to 90 guests based on the

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average of three persons per vehicle so parking on Paulen Road is not anticipated. Offsite parking is not allowed. If an applicant is not operating according to the conditions, any infringement or violation should be reported to the Planning Department. An investigation would be completed to determine if that is the case. If so, the Planning Department would work directly with the property owner on the issue. However, if there is a repeated offense with regard to one of the conditions, the Planning Department would require another public hearing to revoke the Conditional Use Permit. Up to this point, no CUP has ever been revoked. Also, the maximum number of people per event is 90.

Juan Barranco, 3513 SE Paulen Road, Topeka, KS 66605.

- Concerned about entertainment on the deck with the use of outside speakers, the dust generated from the gravel driveway, the glare of the headlights and tree line.
- Has lived on his property for 20 years with his wife who is retired. He is semi-retired.
- His home has been broken into three times.
- Didn't think Mr. McCollum was aware of two incidents in the back and front yards where people were four wheeling. There is no fence line to keep people from crossing onto his property.
- A 125 foot privacy fence is proposed but his driveway is 250 feet.
- In the last 20 years, has paid approximately \$50,000 in taxes.
- Didn't think it was a good idea. The neighborhood is peaceful.
- Concerned about what will happen when the residence is sold.
- Concerned about a fire in the barn and if a sprinkler system was included.
- Concerned about underage drinking and how the use of alcohol would be monitored.
- Concerned about the placement of neon signs and lights down the driveway.

Mr. Beagle stated the use of speakers outdoors would not be allowed per the bed and breakfast regulations. Mr. Depperschmidt and Ms. McKenzie had questions about the privacy fence. It was determined that the placement of the fence was to block the headlights.

Doug Zerger, 3520 SE Paulen Road, Topeka, KS 66605.

- Lives across the street with his wife and children on four acres that was purchased in 2002.
- Thought their driveway would potentially be impacted the most.
- Concerned about their children's safety with the increase and duration of traffic.
- Concerned about the headlights shining onto their house all night long.
- Heard that hedge trees might be placed in their front yard which would block their view.
- Their living room and their boys' bedroom is located in the front of the house.
- Concerned about security and the people driving in the area.

Darla Zerger, 3520 SE Paulen Road, Topeka, KS 66605.

- Concerned about alcohol being served and people driving impaired and who was responsible for monitoring that.
- Concerned about their kids driving four wheelers with the increased traffic.

Cleo Roehrman, 3545 SE Paulen Road, Topeka, KS 66605.

- Purchased his land from Mr. McCollum's father who placed numerous restrictions on the land because he wanted it for homes for families.
- Building a home in 2019 on the lot located between his current property and Mr. Barranco's.
- Will also be affected by the dust, lights, noise, etc.
- Against the proposal because 23 years ago he moved out there to live in the country.

With no further comments in opposition, Ms. Moler asked if Mr. McCollum had a rebuttal.

- Rod McCollum, 3521 SE Paulen Road, Topeka, KS 66605.
 - In response to the concerns about dust, the driveway will be paved once enough revenue is raised.
 - There are lots of houses on gravel roads and they are dusty.
 - A barricade could be added so traffic can only turn left.

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- A sign could be placed along the driveway to keep speeds down. Any literature would have directions that would bring guests in from 29th Street.
- Did not plan to have a liquor license and preferred no alcohol. The person dispensing the alcohol will be responsible.

Ms. Moler closed the hearing and asked for discussion. Mr. Depperschmidt indicated these cases were difficult for him. He supports landowner rights when it does not affect others. He had no issue with the bed and breakfast. Ms. McKenzie agreed that this was difficult. There were various issues to consider such as the driveways and lights. With no further discussion, Ms. Moler asked if anyone had a motion.

Ms. Moler reopened the hearing. Mr. Depperschmidt asked Mr. McCollum if he would consider just having a bed and breakfast. Mr. McCollum didn't think the bed and breakfast would generate enough business without weddings bringing in out of town guests. In regard to the driveway across the street, if the cars turn to the left there would be no swiping from the headlights. He could stand up there to make sure the cars turned left. It would be one of the jobs for the high school students. Ms. Moler closed the hearing.

Mr. Depperschmidt moved to approve the Conditional Use Permit with the specified conditions, Mr. McCurry seconded the motion. Ms. McKenzie asked for the hours of operation. Ms. Moler said it would be open from 9 a.m. to 10 p.m. With a vote of **2-2-0 (Mr. Depperschmidt and Ms. Moler dissenting)**, the Conditional Use Permit was **disapproved**.

Mr. Beagle stated the case would be heard by the County Commission on Monday, December 3, at 9 a.m. The case is being recommended for disapproval by a 2-2 vote.

2. **CU18/07 by Kenneth Brian & Karissa Boyd** seeking a Conditional Use Permit (CUP) to establish a Reception, Conference & Assembly Facility on property zoned "RA-1" Rural Agriculture District and located at 7711 SW 61st Street in Auburn Township.

Mr. Beagle stated the 120-acre property is largely used for agricultural purposes with the majority of the land leased for cattle and for game. Two agricultural buildings sit on the property. The residence that once occupied the property was destroyed by fire in 2013 and not replaced.

Since the purchase of the property in 2015, they have allowed various organizations to use the property. Operating under the name of The FARM Ministries, it is a 501(c)(3) corporation. It is the applicants' intent to use the property primarily for spreading the gospel and see this as a ministry opportunity.

The property is located two miles west of Washburn Rural High School in a rural area with a mixture of large agricultural tracts and residential home sites. An exception to this pattern and development is the residential subdivision of South Pointe Bay. This area has experienced a gradual transition from predominantly agricultural land use to rural residential land use over an extended period of time.

The proposed reception, conference and assembly facility would consist of both ministry functions and fundraising events. Whereas the ministry is the primary purpose for use of the property, the applicants propose to allocate a small amount of time for fundraising events since the primary goal is to provide support and funding for the ministry operations. Churches, schools, businesses and other non profits would be invited to host day retreats, seminars or other events such as weddings about once a month.

The three components that basically comprise the subject property are agricultural operations, ministry activities and fundraising events.

The agricultural use of the land is not subject to the Conditional Use Permit but it is a viable part of the 120-acre parcel. A majority of the property will continue to be leased for cattle and hay. The south and southwest portion, approximately 70 acres, is fenced off for cattle. Other farm operations include a small fruit tree orchard, raised vegetable garden planting beds, chicken coops, apiaries and honey collection.

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Ministry activities is included as part of the Conditional Use Permit. Since acquiring the property, the applicant has allowed various church and ministry groups to use the property for baptisms, youth group meetings, women's gatherings, scouting troop meetings, Christian school sport practices, etc.

Most ministry activities will take place in the south metal building known as the barn. Activities will occur, on average, one day a week from 8 a.m. to 11 p.m. on given day of the week.

The north metal building known as the gym building is used for pick-up basketball games which occur three nights a week between the hours of 7-9:30 p.m. The hours may be extended to 6 a.m. to 9:30 p.m. if a morning workout group is started.

There are two defined outdoor activity areas. The south/southwest outdoor venue area comprises 70 acres and will be fenced off to confine cattle. The use of this area will be limited to ministries, families for fishing and hunting about one day a week from April to November.

The north/northeast outdoor venue area is a smaller area consisting of 50 acres including two metal buildings, the orchard, the garden planning beds, apiaries as well as a three acre pond and a nature walking trail. The majority of the outdoor activities would be found in this area between April and November between the hours of 8 a.m. to 10 p.m. on Sunday through Thursday, as well as from 8 a.m. to 11 p.m. on Friday and Saturday. Ministry uses would include church picnics, Easter celebrations, Pioneer boys club outings, scouting events/campouts, school field trips, 4-H club events and a variety of other things.

Another part of the Conditional Use Permit includes fundraising activities. The applicant is proposing to appropriate a small amount of time for fundraising events with the primary goal of funding the ministries. The barn would be the primary location for fundraising events consisting primarily of weddings. They would hope to host up to but not more than 12 weddings per year. Should the number of weddings not be realized, it would be used for receptions which would be fewer still but also could accommodate such things as birthday and holiday parties, showers, etc. Such activities were anticipated to be less than one event per month during the hours of 8 a.m. to 11 p.m.

The gym would also be used for fundraising events but less frequently. It could be used for corporate team building exercises and fundraising tournaments.

The north/northeast outdoor venue area may also be used for fundraising events but would be limited to only a few days annually for weddings. Other possible fundraisers include business patron appreciation barbecues, catered events, receptions, family reunions and retirement celebrations. Most of these events would be confined to the west shore of the three acre pond which is 360 feet west of the east property line and in the area immediately east of the barn.

Both the ministry and fundraising functions are intertwined and sometimes difficult to separate considering the different days and hours of operation depending upon the activity and its location.

In order to understand the full scope of activities, staff is recommending the proposal be evaluated as a whole as opposed to breaking it down and evaluating the separate component parts of ministry and fundraising activities. Both generate land use activity that is capable of generating offsite impacts. For this we need to ask how the facility relates to the established character of the area and neighboring property. Land use compatibility is ultimately a measure of how well a proposed use will coexist with neighboring property. Land uses with widely different characteristics such as traffic, noise, and other activities are likely to be incompatible when placed adjacent or in close proximity to each other.

The subject property consists of 120 acres and has a quarter mile of frontage on SW 61st Street and extends to a depth of one-half mile and is also one-half mile wide. It is bounded by large acreage tracts

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to the north, south and west that are either undeveloped or devoted to agricultural land use and a low density residential subdivision to the east.

The effects of on-site activities for the most part would be self contained. The greatest opportunity for conflict relates to the subdivision. If an activity is confined to certain locations, there would be minimal impact. The nearest building is 800 feet to the north on SW 61st Street. If activities are confined to the buildings, it is not anticipated that activities will have a negative impact.

Outdoor activities would occur during April to November and be restricted to 10 p.m. Sound would be restricted to 80 decibels and the speakers would face to the west. No single event should exceed 300 people. Camping would be available in the prairie meadow. Three different parking areas were originally proposed; however, it was determined that only one parking lot is needed. Eighty stalls are proposed for parking so the maximum number of people at any one time would be 240. The primary areas to be used would be the barn and the gym. No negative impact is anticipated to area property with the conditions proposed. Public Works is requesting additional right of right of way to be dedicated in two areas. Staff is recommending approval with the 17 conditions noted in the staff report.

With no questions for Mr. Beagle, Ms. Moler called Mr. Boyd to make his presentation.

Brian Boyd, 7711 SW 61st Street, Topeka, KS 66610.

- Has been a resident of Topeka for ten years and has owned the property for three years.
- Previous owner allowed him to hunt, fish, play and enjoyed the property for ten years before buying.
- Knew God had big plans for the property.
- They have always wanted to preserve it just as it is as an agricultural farm. It has a lot of charm.
- Their goal was to not develop it or allow it to be developed.
- It is a unique property with a barn and a gym that can be used for indoor and outdoor activities.
- Property is close to Washburn Rural High School and close to town.
- Gives people and kids something to do. Keeps them off the streets and doing something other than using social media. They are more physically isolated and it has caused a lot of anxiety, depression and suicide. In Kansas alone since 1999, suicide has increased 45 percent. One was just this past year, a student from Washburn Rural.
- Makes his heart said and knows there are students down the street that are struggling with that loss.
- That kid and others are just one relationship away or one conversation away or one positive experience away from having different lives. Believes they can fill that niche.
- Has been paying for a lot of the ministries and the expenses have exceeded the productivity.
- Didn't think it was wise for him to keep paying for it since he has a wife and four daughters.
- Wants it to be self sustaining and they don't want to sell it for a big profit.
- Earlier this year, they made it into a 501(c)(3) not for profit called The FARM Ministries.
- Wants to use the tools that they already have on the land including the charm, the beauty, the outdoor aspect and the buildings and make it financially sustainable.
- Heard the neighbors' concerns. Wants to be a respectful neighbor. Thought there would be minimal impacts.

Karissa Boyd, 7711 SW 61st Street, Topeka, KS 66610.

- Property has been used previously for everything they are proposing but at no charge.
- One outdoor wedding was held and a large number of people have visited and parked in the field.
- Large events have occurred with no negative impacts.
- In the future, the only difference would be to ask for a fee to help sustain it.

Mr. Depperschmidt asked how many times it is used at night. Mrs. Boyd said it varies from the time of the year. All year round it is used three nights a week with guys playing basketball from 4 to 7 p.m. It has been used for the past three years.

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Dan Holloway, Cook, Flatt & Strobel, 5520 SW Lincolnshire Circle, Topeka, KS 66610.

- Helped the Boyds create their site plan.
- Available to answer any questions.

Mr. Depperschmidt said he was aware of the events and asked what areas had been utilized. Mrs. Boyd said the three acre pond had been used for baptisms as well as the wedding. The reception and dance was held in the barn. Speakers were used. Cair Paravel Latin School held a camp out and more of it was used and not just west of the three acre pond. The majority of the bigger events were held exclusively to the west of the three acre pond. Knew there was some concern about the trail.

With no further questions for Mr. and Mrs. Boyd, Ms. Moler asked if anyone wanted to speak in favor.

Ryan Wynne, 1625 SW Central Park Avenue, Topeka, KS 66604.

- Currently director of a local ministry and speaking on behalf of the ministry side for the organizations that have utilized the land for ministry purposes.
- It was a generous offer from the Boyds to use their property. The ministry does not have much access to a lot of spaces to bring kids and have events was a huge blessing.
- Thought it was a good option when the Boyds proposed to use their property as a ministry space that could be used by other non profits, churches, organizations.
- Wondered why the Boyds wanted to allow access to their property for ministry and other organizations.
- They wanted to leave a lasting legacy for kids, families and organizations to have a space to get away from everything, a quiet space.
- The City of Topeka needs this kind of space.

William Rice, 6431 SW Urish Road, Auburn, KS 66402.

- Lives 1.5 miles from the property.
- Uses the barn and it has been a positive experience.
- 25 guys have been present from 7 to 9:30 p.m. It is well ordered, maintained and quiet and the attendees are gentlemen.
- Living in the area, he finds it valuable that their mission is to keep it open land.
- He has a religion and ministry degree and sees what they are using their property for and their vision for the future to connect with people to provide something positive.

Willie Carter, 4402 SE Oakwood Street, Topeka, KS 66609.

- Visits location often to play basketball.
- Has a ministry also and they have talked about having events or conferences at the property.
- Before they play basketball, they read scripture and offer prayers for those who are in need of healing.
- Volunteers to cut grass.
- Has brought his grandson to the location where he can run free.
- The Boyds' hearts are in the right place.

Brian Budden, 4340 SE 24th Place, Tecumseh, KS 66542.

- Speaking as a character reference and has known the Boys for ten years.
- Their children go to Sunday school together. They teach Sunday school together at Topeka Bible Church.
- Has visited the property for events and hunted the land for two years.
- They are people of character and their hearts are in the right place.
- It is a place that Topeka needs for young men and women.
- The Boyds do not want to impact the neighbors.
- Was in attendance at the event for the neighbors. Thought the gap between the neighbors' concerns and how the Boyds want to their property could be mitigated with a few ideas.

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Jason Brent, 5001 SW Cedar Crest Road, Topeka, KS 66606.

- Currently the children's pastor at Topeka Bible Church.
- In support of the proposal.
- Has been in ministry working with children and youth since 2002 in Topeka.
- There are not many accessible pieces of land that people are willing to offer to churches and non profits to use for the good of the children and it is a huge benefit.
- By allowing the Boyds to have the few fundraiser events would allow them to be able to service any ministry, any church or any size. Lots of ministries do not have a lot of money to be able to rent.

Michael McFadden, 1312 SW 31st Street, Topeka, KS 66611.

- Has known the Boyds for four years. It is a great honor to be a friend of this God fearing family dedicated to self and service for their missionary work.
- The Boyds took a leap of faith in purchasing their property which was not for personal profit or public accolades but to have a multifaceted facility for the community.
- Witnessed an outdoor baptism by the pond while other amenities have been used for other events.
- The Boyds have been growing crops since the purchase.
- He represents a men's basketball ministry. Being a husband, father, youth basketball coach and disabled Army veteran, he doesn't get to play as often.
- There are not a lot of places to play ball and it gives the group a much needed break.
- There are simple rules and they pray before they play.
- Fully supports The FARM Ministries.

Donnie Hibler, 1805 SE 85th Street, Wakarusa, KS 66546.

- Has known the Boyds for years.
- Has helped them out on the property and witnessed some of the events held there.
- Works for corrections and his nature to make sure everything is safe.
- Events are kept over by the barn.
- Kids have a great time and a lot of them haven't spent time in the country.

Les Steinlage, 1010 NW Menninger Road, Topeka, KS 66618.

- Met the Boyds when him and his wife traveled to Haiti which is a big part of the ministry.
- Was invited out when the Boyds dedicated the land with the use to glorify God.
- The Boyds are real people and honored to be their friend.

Brandon Griffith, 131 SW Greenwood Avenue, Topeka, KS 66606.

- Everyone works hard for their property. Understood the concerns. South Pointe Bay is a beautiful neighborhood.
- The Boyds understand the concerns and the fear people have when they hear there is a possibility of events being held.
- Events have been held that most people don't know about.
- It is very quiet.
- The goal is to preserve the country feel and not develop it.
- If there is an event and something is troublesome, they would fix it.
- The Boyds want to work with the neighbors because they want it to be a benefit for everyone.
- Didn't think there was anything that couldn't be worked out.
- The Boyds are very strong charactered people that anyone would be proud to be friends with.

With no additional comments in favor, Ms. Moler asked if anyone wanted to speak in opposition.

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Braden Palmberg, 6213 SW South Pointe Drive, Auburn, KS 66402.

- His sister owns the parcel east of the three acre pond and plans to build in 2019.
- Wants to know who owns the property, the Boyds or the 501(3)(c), and who maintains the insurance if there was an accident.
- Concerned about the hours of operation, the events held overnight, the closeness to neighbors, noise, trees, gun fire and hunting.
- If the pond is to be a focal point of any event, speakers should face east not west.
- Sound would directly affect neighbors on the west side of South Pointe Bay.
- His sister has expressed likely to not build and just bought two months ago. He just purchased his property four months ago for the peace and quiet.
- Concerned for their children.
- Will impact their neighborhood.

Mr. Depperschmidt asked what impacts there have been from the activities held there. Mr. Palmberg stated he can hear what he believes as noise from the Boyd's property but doesn't know for sure if it is coming from there or not. He has concerns about how the sound carries and the hunting.

James Allen, 6334 SW Bayshore Drive, Auburn, KS 66402.

- Within a 1,000 feet and was notified by mail of the hearing.
- Protests the proposed conditional use permit.
- He is in awe of people who take on Christian ministries and supports those activities.
- Concerned about the outdoor activities, the days/hours of operation, the noise from the speakers, the number of people and the outdoor hunting.
- As a gun owner, he is a strong proponent of the Second Amendment and supports hunters' rights.
- From his yard he hears loud semi automatic gun fire coming from the west. It is dangerous for the neighborhood. As an honorably discharged Army veteran, he knows what it sounds like.
- It is not the place for a commercial hunting enterprise.

Ms. Moler asked for the hours of operation. Mr. Beagle stated they would be from 8 a.m. to 10 p.m. on Sunday through Thursday and 8 a.m. to 11 p.m. on Friday and Saturday.

Bryan Love, 6510 SW Bayshore Drive, Auburn, KS 66402.

- Commends the Boyds for their Christian beliefs.
- Born and raised on a farm in southwest Kansas.
- Has lived in his home for one year and purchased it for the quietness.
- Has heard activity on the Boyds' property.
- Concerned about the number of people, there being only one entrance, the traffic, constant noise and sound, hunting and the gun shots.
- Fellowship Bible Church has no affiliation or used the property.

Dr. Terry Carney, 6431 SW Bayshore Drive, Auburn, KS 66402.

- Is a school board member.
- Knew the previous owner and has used the gym.
- Has heard people talking and semi automatic rifle fire.
- Concerned about the noise, traffic, hunting, noise and property values.

Lee Gardner, 6413 SW Bayshore Drive, Auburn, KS 66402.

- Knows the Boyds.
- Has heard gun shots.
- Concerned about the people, noise, hunting and property values.
- Bought the land and built a home in the area for the quiet.

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Joe Christ, 6229 SW Bayshore Drive, Auburn, KS 66402.

- Opposed.
- It will be a commercial operation.
- Concerned about noise, amount of people, lights, hunting, gun shots and would be in the line of fire.
- Has a screened in porch and it would destroy their peaceful environment.
- The Boyds are wonderful people but they are trying to raise money at the neighbors' expense.
- Would be impacted considerably.
- The conditional use permit would allow for commercial business.
- Ravenwood is in the area and has commercial zoning.
- There is no onsite security.
- Not an appropriate use of land.
- Would protest and litigate if approved by the County Commission.
- Questions their 501(3)(c) status.

Ms. Moler asked if the RA-1 zoning would allow for a conditional use permit. Mr. Beagle said the RA-1 zoning would accommodate the proposed use. Even though it is not a change in zoning, it is making a specific authorization for that specific use. As part of the process, the proposal is reviewed and an assessment is made whether that use is consistent and compatible with character of the area and its relationship with nearby property. Conditions may be attached if necessary to make the property and its use more compatible with neighboring property. In this case, even with the fundraising events, it is not considered a commercial venue.

Richard Terrill, 6315 SW South Pointe Drive, Auburn, KS 66402.

- Concerned about the increase in the increased traffic, hunting, noise and hours of operation.
- Has not seen any onsite activity.
- Can hear the activity at Ravenwood from his home.
- Opposed.

James Simpson, 6207 SW Bayshore Drive, Auburn, KS 66402.

- Spends a lot of time outdoors and has a batting cage at the rear of his property and trails cut through their property.
- Hear voices and gun shots.
- Concerned about privacy, the hours of operation, camping, gun shots and the number of people.
- Will be detrimental to their peace and well being.

Bryan Smith, Attorney, 5930 SW 29th Street #200, Topeka, KS 66614.

- Representing the Caplingers' (Pam and Jim, Jr.) trusts. Pam lives at 6539 SW Bayshore Drive and owns 40 acres immediately south and adjacent to the subject property.
- The CUP request is from private individuals and does encompass commercial activities.
- Ms. Caplinger is concerned about the gunfire and deems it a problem.
- Ms. Caplinger's concern is this is a commercial activity. The CUP would allow up to 300 people per event from 8 a.m. to 10 p.m., Sunday through Thursday; and 8 a.m. to 11 p.m. on Friday.
- Ms. Caplinger has no qualms with the activities of charitable people. The CUP application does not ask anyone to evaluate the character of the applicant.
- Ms. Caplinger is also concerned about the sanitary sewer system for 300 people.
- Ms. Caplinger opposes the CUP is requesting they vote no.

Thomas Charest, 7430 SW 61st Street, Topeka, KS 66610.

- Spent over a year looking for the land he purchased in 2016. Spent most of his life savings to build and move into his new home on April 15, 2018.
- Lived previously across from Jardine Middle School for 41 years. The school board assured them the traffic and other aspects for the new school would be okay. With minimal changes to 33rd Street, traffic greatly increased and was no longer able to park in front of their homes.

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- Concerned about the noise. It is usually peaceful around his property. When working outside this summer, he was completely disturbed/annoyed by someone shouting at children with a bullhorn. Can also hear the activity at Ravenwood. Spends a lot of time outside maintaining his property.
- The activity that has gone on over there so far is relatively peaceful. Commends them for their Christian ministries and has volunteered for some of them.
- As a 501(3)(c), The FARM Ministries will pay no taxes to help maintain 61st Street. Totally unfair.
- Asked who was going to pay for additional law enforcement for the large venue.
- The applicants' statement said they would need to hire full-time employees which would require them to make a profit. Couldn't see how they could support all that as a non-profit venue.
- Opposes and requests The FARM Ministries be denied the conditional use permit.

Vern Jarboe, 534 South Kansas Avenue #1000, Topeka, KS 66603.

- Represents the clients who own a large tract to the west of the applicants' location. The bought land to develop it but hasn't done so.
- Would impose a burden on his clients.
- Concerned about how it may affect others.
- Feels they need to reduce parking and the number of people.
- Expanding use is a violation.
- Client owns a sizable pond that runs into the Boyds' property. People would be invited to use these open spaces. Concerned about boundaries. Do not want to have the applicants' guests in their pond. Concerned about the liability risk.
- Concerned about the traffic and everyone leaving at once.
- Vote no.

Martha Bartlett Piland, 6316 SW Bayshore Drive, Auburn, KS 66402.

- Been at this location for eleven years.
- Concerned about lighting.
- Not enough lighting is a safety issue.
- There would be unintended negative consequences.
- Concerned about property values.
- Vote against it.

Gary Piland, 6316 SW Bayshore Drive, Auburn, KS 66402.

- He has helped youth.
- The Boyds' heart is in the right place but their property is in the wrong place.
- They have a great idea but doesn't want them to fund it with a commercial enterprise.
- They need to look for other ways to pay for this other than running commercial events.
- Opposed to the conditional use permit but applaud them for what they are doing.

Ms. Thadani asked for speakers who had items not addressed by other speakers.

Bobbi Carson, 6621 SW Bayshore Drive, Auburn, KS 66402.

- Wanted to know if the conditional use permit is granted, would the events continue to be free to the various churches and schools or would they be charged a fee.
- Concerned about it being a commercial venue for hunting and leasing the property by the day as a controlled hunting area.
- Opposed.

Ms. Thadani stated a CUP did not allow people to hunt. There is no gun control. The county does not have any regulations.

With no further comments in opposition, Ms. Moler asked if Mr. Boyd had a rebuttal.

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Kenneth Boyd, 7711 SW 61st Street, Topeka, KS 66610.

- Only three or four houses fall within the 1,000 feet radius.
- There is a code of conduct.
- Overnight events have occurred for scouting and schools. No complaints.
- They have documentation as to their 501(3)(c) and they own the land.
- There is a buffer for the sound on the east side.
- There is gun fire in the area. People shoot west of their location. Tells their friends to avoid the South Pointe Bay area when hunting.
- Outdoor activity would occur during the day.
- Traffic not an issue at present. Most of the traffic would be away from South Pointe Bay.
- In regard to the real estate taxes, the county will not suffer.
- Will be used as reception, conference and assembly facility and not a commercial venue.
- In regard to security, there will be staff on site.
- Hunting will be in season. If hunting is a concern, they will discourage people to use the east side of the property. They don't generate revenue from hunting.
- Those who use the property have to sign a code of conduct before using the property.
- Sewer system has been inspected by the county.
- Anticipating one wedding a month.
- Everyone can hear activity at Ravenwood, the marching band from the school and the races at Heartland Park.
- Trying to generate revenue to offset their expenses. Not making money.
- In regard to the frequency of the bigger events, outdoor events would only occur a couple of weeks in the summer. Indoor events would be the main fundraiser and more likely at night.

Ms. Moler closed the hearing.

Mr. Depperschmidt stated he had an issue with the hours of operation. Mr. Boyd said there is a security gate. Ms. McKenzie asked if there could be a compromise on the hours and if they would limit the number of events held outdoors. She understood the concerns. Mrs. Boyd said they would be limited to indoors. It would be self sustaining. The gym has no air conditioning but is heated. The outside activity in the summer would be Monday through Friday, 8 a.m. to 5 p.m. Ms. McKenzie asked if the applicants could renegotiate and come back. Mr. Beagle said they could possible delay it. The Planning Commission would need to indicate their changes.

Mr. Depperschmidt suggested changing the hours and days of operation. Ms. McKenzie thought something should be included to limit the sound and adjust the hours of sound. Mr. Depperschmidt stated if he was the Boyds, he would want to be able to do what he wanted on his property. But if he were the neighbors, he wouldn't want this going on in his backyard either. He thought everything they were doing was great. But it is also a hindrance to the neighbors. He did think there was a compromise. Mr. Beagle said one way to moderate the scope and scale of activity on the property was to indicate specifics by revising the recommendations by staff that there would be no more than three hundred people associated with any one event or in a combination of events occurring on the property at the same time. That number was based upon the original assumption about parking and how many people would be coming to the property. But if their intent was to support functions with an eighty stall parking lot. It was assumed there would be three people per car on average. With an eighty stall parking lot, that would be a total of 240 people. Or if shrinking it down to 200 to be the maximum capacity on the property at any time. It would be a way to try and temper and moderate the scale of activity that would occur on the property.

Ms. Thadani stated they could offer a motion to defer the item and ask the applicants to come back with some changes or they could offer a motion with their specific changes to the proposed recommendations.

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Mr. Smith stated they would have 14 days to file a protest petition. If something was going to be changed, they would request that notice be given again and another public hearing heard on the changes. It could be an issue legally if it came back with a different application at a later date.

Ms. Thadani stated they could defer it until the December 10th hearing. There was no requirement to provide any additional notice of that hearing.

Mr. Depperschmidt moved to approve the Conditional Use Permit with the conditions outlined in the staff report along with the following revisions: outdoor events can be held any day of the week until 6 p.m.; four outdoor events per month can be held until 10 p.m.; and a maximum number of 200 people for each event. Ms. McKenzie seconded the motion. There were no additional questions or discussion. With a vote of **3-1-0 (Mr. McCurry dissenting)**, the Conditional Use Permit was **approved**.

Ms. Moler stated the item would be considered by the Shawnee County Commission on Monday, December 3, 2018.

Public Comment on Non-Agenda Planning and Zoning Items: None were indicated.

Discussion of Planning Related Issues:

Accessory Dwelling Unit Proposal

Mr. Beagle stated he provided them with some examples from other communities who have adopted some form of accessory dwelling unit proposals. There were different reasons.

Adjournment:

Mr. Depperschmidt moved to adjourn, seconded by Mr. McCurry, a unanimous voice vote declared the public hearing be adjourned, which was at 9:06 p.m.