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

Members Present: Brian Aubert, Judy Moler, Matthew McCurry, Chad Depperschmidt, Tyler Tenbrink and Elaine Schwartz. With six members present, a quorum was established.

Members Absent: Jake Fisher.

Staff Present: Randy Anderson, Planning Director; Anna M. Ortega, Zoning Administrator; Joelee Charles, Administrative Assistant; and, Joni Thadani, Assistant County Counselor.

Approval of August 12, 2019, Public Hearing Minutes: Ms. Moler moved to approve the August 12, 2019, public hearing minutes, seconded by Mr. Tenbrink, and with a majority voice vote, the minutes were approved.

Communications: Mr. Anderson stated he received one letter. Ms. Ortega stated another communication was received and included as part of the agenda packet. She also received a phone call inquiring whether Teen Challenge was purchasing the property or leasing it from the owner.

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

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

Zoning and Subdivision Items:

1. CU19/01 by Randy L. & Lesia J. McMillin seeking a Conditional Use Permit (CUP) to establish a Group Residence General/Limited Facility on property zoned “RR-1” Residential Reserve District and located at 1545 NW 46th Street in Soldier Township.

   Mr. Anderson stated the CUP would allow for a residential treatment center to be operated out of the 4,500 square foot home on the proposed property. The 10.6 acre parcel is one of two parcels split from eighteen (18) acres. A large accessory building is also located next to the home.

   Staff learned that the home has been used for approximately 6-7 months as a residential treatment center for 6-7 young women. It is not known how it was established without the Planning Department’s review. However, it has provided an opportunity for the neighbors and Staff to see how the use would work with a CUP. The goal is to have up to 16 young women at the facility. A Plan of Operation was provided outlining the proposed use of the property. Any increase in the number of young women would require significant improvements to the residence to meet building/fire codes and health standards.

   Staff is inclined to recommend approval of the use. The property is set back so far south of NW 46th Street. There is a buffer of thick vegetation and tree cover between the residences to the north from where the home is actually located on the property. Staff originally recommended eight conditions; however, a ninth condition is being added indicating the owner shall apply for building permits for all the improvements (swimming pool and large pole barn) made on the property in order to bring them into compliance.

   Mr. Aubert asked if the septic system improvements were completed already or if they are being planned. Mr. Anderson said it was in the plans.

   With no further questions for Mr. Anderson, Mr. Aubert asked the applicant to make their presentation.

   Vernon Jarboe, Sloan Law Firm, 534 South Kansas Avenue, Suite 1000, Topeka, KS 66603.
   - Provided assistance to Floyd McMillin, the applicant/property owner, with the CUP process.
   - The operator, currently the tenant, plans to buy the property if the CUP is approved.
   - If needed, Mr. McMillin will answer questions regarding the property or the improvements.
   - Ray Clark and Kate Riggs will speak on behalf of the proposed operator.
   - Feels they have provided a complete plan in terms of the organization’s present and future operations.
Kate Riggs, 618 South Knoxville Avenue, Russellville, AR 72801.
- Been with Teen Challenge for ten years and it has done amazing things for individuals.
- Their presence is hugely due to The Kansas Prescription Drug and Opioid Misuse and Overdose Strategic Plan which was created to build a proactive response to the crisis and prevent escalation.
- 1,300 people died from overdose in Kansas and their goal is to address that specifically.
- Provides cost-effective substance abuse rehabilitation for those who wouldn’t have access at no cost.
- Able to serve on the state and local level so it will help Topeka residents.
- Their key initiatives and goals line up with the Strategic Plan.

Ms. Schwartz asked about their operations. Ms. Riggs said they receive donations from and partner with Pastors, individuals and churches in order to provide this supplemental care.

Mr. Aubert asked for the number of locations, if the individuals stayed overnight and if there was a purchase agreement. Ms. Riggs stated there were over 200 locations nationwide but their group oversees five facilities. Teen Challenge is an international organization with facilities that provide this care. Individuals do stay overnight. A purchase agreement is pending upon the approval. Mr. Jarboe stated the operator would be required to come into compliance with certain codes and especially the septic system.

Raymond Clark, 2630 Courthouse Circle, Flowood, MS 39232.
- Teen Challenge started in 1958. Their goal from then to now is saving those lost to addiction.
- Unfortunately, technologies and manufacturing chemicals have exponentially changed how addicts are.
- Teen Challenge has evolved over the years and has had tremendous success.
- A Northwest University study found 86% of the graduates from their program are still productive citizens in their communities and living addiction-free lives after five years.
- Has a small footprint in a community but creates a big footprint by helping women get their lives back.
- The sustained residential program consists of 13 months of living under their care and guidance.
- Located in rural areas in five states, the open space, trees and outdoors offer a positive environment.
- With the homes being in rural areas, the septic systems are upgraded due to the number of individuals.

Ms. Schwartz asked if there have been any issues with neighbors, communities or law enforcement. Mr. Clark said no community has ever been disrupted. There have been no adverse effects on neighbors and no reason for police involvement. Their program is basic, voluntary and free. A discharge process is in place. If someone decides to leave, the family picks them up or they are taken to the bus station.

Mr. Tenbrink asked about the staffing. Mr. Clark stated there were generally five staff members.

Mr. Aubert asked how many staff members stayed overnight and how Topeka and the property was chosen. Mr. Clark said two to three staff members stay overnight. Their locations are everywhere but there were no women’s programs in Kansas. Their founder lived in Topeka at one time and struggled with his own addiction that led him to go to Teen Challenge for help. He and his wife also worked for Teen Challenge of Texas and now have acquired five of them over the past 11 years. He was excited about the possibility of returning to Topeka to give back. Many properties were looked at in surrounding counties. This property has a great floor plan and an extra building that could be used as a classroom. The home’s location has some distance from the street and is secluded. They want to be respectful to the neighbors.

Mr. Aubert asked if anyone wanted to speak in favor.

Richard Sundemeyer, 4501 NW Westgate Drive, Topeka, KS 66618.
- Pastor of church located directly east of the property and not affiliated with Teen Challenge.
- Just found out they were operating there. But there has been no additional traffic or noise.
- His wife and he have been positively impacted by them over 50 years. Supports them financially.
- Has had a good experience with Teen Challenge and see a huge benefit of what they can do.
- From observations in the local church, they’ve seen the abuse and addiction problems.
- They recognize that they need to be part of the solution, not part of the problem.
Floyd McMillin, 5629 NW Button Road, Topeka, KS 66618.
- Was hesitant when approached by the group after he put the property up for sale.
- After doing researching, he did not hesitate.
- Was impossible to find a place for his daughter when she needed help. It cost $50,000 minimum.
- Has donated some time and effort to help them get established.
- His son will be building a home on the 8-acre parcel east of the proposed property.
- He has visited and the girls are polite and the group is professional.
- The Cooksleys live on the west side of the proposed property. There have been no incidents. Mr. Cooksley gave him a letter of support.
- Means a lot to him personally with the trials they went through with his daughter.

Tim Shultz, 4426 NW Green Hills Road, Topeka, KS 66618.
- Owns 70 acres immediately south of the property.
- Not in opposition. Thinks it is a great program.
- Asked for the ages of those in the program since it would be an adult residential care facility.
- Asked if it would be gauged only to Teen Challenge.
- He may agree with Teen Challenge; however, in the future, as an adjacent landowner, he would want the opportunity to voice his opinion at a public hearing if there is a new owner.
- His preference would be to gauge the CUP to Teen Challenge women’s ministry. If it means any rehabilitation facility in the next ten years, that is concerning to him. He may switch to the opposition.

Ms. Thadani stated the Planning Commission could add a condition that the CUP be approved only with the condition that it be for this property. If the property was sold to a new owner, it could be used for another use so as long as it fit within the same parameters of the CUP. Otherwise, the new purchaser would have to apply for their own CUP. Mr. Shultz asked that the Planning Commission consider putting in a condition that restricts it to Teen Challenge women’s ministries and require any other group in the future to go through the CUP process so that the surrounding landowners can make comments. Ms. Riggs stated Teen Challenge accepts teenagers and young women. Those 17 and older is traditionally who they assist. They would accept someone older.

Mr. Shultz asked if anyone wanted to speak in opposition.

Lynn Barber, 4621 NW Redwood Drive, Topeka, KS 66618.
- Understands that it is a great thing and supports that.
- Concerned about the neighbors’ safety, how it would affect property values and theft.
- Realizes the children need help but it could be put someplace other than a residential area.
- Doesn’t want to live around a rehabilitation center and wants to keep his area safe and clean.
- Dealt with problems all his life and he doesn’t want it brought right there next to his house.

Ms. Moler asked if he had any problems with the proposed property. Mr. Barber said he had none.

Steve Wittenbach, 4620 NW Country Park Drive, Topeka, KS 66618.
- Disappointed to find out it has been operating for six months and they are just now requesting a permit.
- Thought the list of conditions was good.
- They want the people to have confidence that the conditions will be implemented. Doesn’t believe that.
- Talked to a lot of neighbors that would be impacted that were not located on the map.
- Everyone thinks it is a great thing.
- There is some confusion as to what the age group is.
- Wanted to know how a 4 bedroom home in a residential area is ideal for a rehab facility with 17 people.
- Not in favor of something that someone has put in without asking for permission first.
Debbie Roberts, 4620 NW Redwood Drive, Topeka, KS 66618.
• Doesn’t understand how they have been operating for six months without the permit.
• Their properties were bought with the idea that this is a residential area.
• Concerned that it will lower their property values and not sure if they would be able to sell their property if there is a residential treatment home in the area.
• Concerned about the safety of the people in their neighborhood.
• Also thinks this organization is doing a great thing and knows addiction is a very hard cycle to break.
• Not in favor.

Betty Boaz, 4610 NW Redwood Drive, Topeka, KS 66618.
• Lived there for 35 years and built their home there knowing it is a residential area.
• Her daughter and her husband and three young granddaughters live with her.
• Concerned there are no guarantees of knowing who will be living in the home and individuals leaving the home before their treatment is completed.
• Concerned for the safety of her family and the possibility of theft.
• Understands it is a wonderful program.
• Feels it is inviting for them to become prime targets any problems that could occur.

Norman Benoit, 4711 NW Redwood Drive, Topeka, KS 66618.
• Concerned about changing the zoning.
• Moved to this location because it is a residential area.
• Concerned about what will happen if it closes and not knowing who could move in next.

With no further comments in opposition, Mr. Aubert gave the applicant the opportunity to make a rebuttal.

Vernon Jarboe, Sloan Law Firm, 534 South Kansas Avenue, Suite 1000, Topeka, KS 66603.
• Interesting to learn that no one knew it was in operation for six months which indicates its success.
• Some are concerned their property values will decrease but has never heard an appraiser agree.
• Some said it was a great program, just not in their backyard. But they have to exist somewhere.
• This is not a zoning change but a conditional use permit.
• Homeowners bought their homes in residential zoning. The regulations allow for something like this with a conditional use permit. It is a use allowed by a permit with conditions.
• It would have been better if the applicant had come in six months ago but they were eager to start their mission and it has worked. Then they realized it needed to be dealt with properly.
• There are several code issues they will have to comply with and they discussed those at length.
• Would appreciate their affirmative votes to approve the conditional use permit.

Kate Riggs, 618 South Knoxville Avenue, Russellville, AR 72801.
• They have not had any legal issues and have a zero tolerance policy for any kind of criminal behavior.
• If there is a possible issue, it is dealt with immediately.
• Crime has not increased and there have been no issues.
• The property values haven’t declined in the areas of their other locations.
• They have not seen the concerns come to fruition that have been indicated.

Ms. Schwartz asked for the average age of a participant and if they had any input regarding the lawsuits filed regarding the opioid crisis. Ms. Riggs said these are younger women who come in to get back on their feet. They learn basic tasks such as completing house chores and daily routines. They also gain job skills. They basically learn how to become young, successful adults. They won’t turn anyone away that is older that can meet the requirements. Teen Challenge is a strong proponent for getting the laws changed. They have a representative in Washington, D.C.; however, they do not receive federal funding. They are a 501(c)(3) faith-based organization that truly helps the citizens.

Mr. Aubert asked for comments regarding the time span and delay in applying and the public’s concerns regarding security and the effect on the area. Ms. Riggs indicated they saw a need, found they could meet the need and immediately acted on that. The area looks to be very rural. There were some presumptions
made that were unfortunately not factual. Once they found that out, they made contact. Crime rates have been a non event. The property values in the areas where their properties are located have not statistically declined but have statistically continued to increase. Their properties are well maintained. They want to give a proper representation because they are teaching the young women how to represent themselves.

Mr. Aubert closed the public hearing and asked for comments from the Planning Commission.

Mr. Aubert has concerns about how this process was handled by the applicant. He does think it is a great program. He is hesitant.

Mr. Tenbrink moved for approval of the Conditional Use Permit including the original nine conditions in the Staff Report and adding a tenth condition: "The Conditional Use Permit shall be limited to Teen Challenge Women’s Ministries and shall not run with the property and shall not be transferable.", seconded by Ms. Schwartz. With a vote of 4-2-0 (Mr. McCurry and Mr. Aubert dissenting.), the item was Approved.

2. Public Hearing on Declaration of Minimum Maintenance Road for a Section of NW Hodges Road in Silver Lake Township.

Mr. Anderson stated they would be considering a recommendation to declare NW Hodges Road extending south of NW 13th Street as a minimum maintenance road. This all started with the approval of a Conditional Use Permit a year ago on a public road that was gated that extends approximately 1,800-feet south of NW 13th Street before terminating at the north bank of the Kansas River. The road is rarely used and the standard of the road is poor because it is not maintained by Silver Lake Township. There are three property owners in the vicinity. On August 5, 2019, the County Commission adopted Resolution No. 2019-53 to initiate the process. The Planning Department finds the proposed roadway to be eligible for declaration of minimum maintenance with minimal impact and recommends approval.

With no questions for Mr. Anderson, Mr. Aubert asked the applicant to make their presentation.

Georgia Ransone, 9401 NW 40th Street, Silver Lake, KS 66539.
- The Silver Lake Township trustee.
- The township and Mr. Beagle was approached to find out why there was a gate across the road.
- The road hasn’t been maintained for a number of years.
- Since then, the gate was removed and now it is open to the public.
- Her concern is for the safety of people who will travel down this road since it tends to be soft and sometimes flooded. Some gravel has been put down to try to improve it.
- If it is minimum maintenance, signs would be posted to warn the public to drive carefully and be aware that it is not a regularly maintained road.

Ms. Moler moved for approval to declare the section of NW Hodges Road south of NW 13th Street to its point of termination with the Kansas River, as a minimum maintenance roadway, seconded by Mr. Tenbrink. With a vote of 6-0-0, the item was Approved. Ms. Thadani stated the item was scheduled to go before the County Commission on October 3rd but that meeting has been cancelled. A new resolution has been drafted to go to the County Commission to set a new public hearing date. It will be published in the paper and notices will be sent out once a date is established.

Public Comment on Non-Agenda Planning and Zoning Items: No one present to speak.

Discussion of Planning Related Issues:

Ms. Ortega stated no planning items were received for the October 14th meeting. Mr. Anderson said they would have a work session to discuss amending the zoning regulations. It would still be an open meeting and the public could make comments.

Adjournment:

With no further items to consider, Mr. Aubert asked for a motion. Mr. Deppernschmidt moved to adjourn, seconded by Mr. Tenbrink, a unanimous voice vote declared the public hearing be adjourned at 7:31 p.m.