

# SOUTHWEST CONSOLIDATED ZONING BOARD

Zoom Webinar

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## MINUTES

Wednesday, January 27, 2021

6:30 p.m.

### I. CALL TO ORDER

A regular meeting of the Southwest Consolidated Zoning Board of Johnson County, Kansas, was convened at 6:30 p.m. on Wednesday, January 27, 2021, and was called to order by Randy Hutchins, Vice Chair, with the following members present and participating; to-wit: John DeGrande, Teri Atwell, Dustin Calvin, and Jason Cooper. Daren Shafer, JP Lefmann, David Wolf and Henry Deters were absent. Also in attendance were Jay Leipzig, Diane Wicklund, Karen Miller, Pamela Hayhow, Leslie Davis and Sean Pendley, Johnson County Planning Department.

Vice Chair Hutchins: Before we move forward, I do want to read a statement, if you will, concerning COVID-19.

*NOTICE: Due to the COVID-19 situation, we are taking action to minimize attendance at the Zoning Board meetings, and we will be conducting the January 27 meeting **Online Only** using Zoom Webinar. Details and instructions regarding how the public can participate in the Zoom meeting will be posted on the County website one week prior to the Zoning Board meeting at the following online address: <https://www.jocogov.org/dept/planning-and-codes/home>.*

Vice Chair Hutchins: Are there any questions in that regard before we take a look at the agenda?

### II. AGENDA ITEMS:

- A. Add, Delete, or Revise, and Approve Agenda Items [*None*]

*Motion by Ms. Atwell, seconded by Mr. Cooper, to approve the agenda.  
Motion passed unanimously.*

- B. Disclosure of conflicts of interest [*None*]

- C. Disclosure of external contacts/discussions [*None*]

### III. APPROVAL OF MINUTES

*Motion by Mr. Cooper, seconded by Mr. Atwell, to approve the minutes from the December 16, 2020, Zoning Board meeting. Motion passed unanimously.*

### IV. BOARD REPORTS

Chairman Shafer: At this point, we would like to have the Board reports from the County Commissioners, and then the Planning Commission as well. Sean or Jay, you were going to take on the Board of County Commissioners actions?

Ms. Hayhow: I've got that ready for you. We owe you an update regarding a recommendation for approval that you made in November for a one-plat on 167<sup>th</sup> Street, near Kill Creek Road. That was Hatton Estates. That application was approved by the Board of County Commissioners on January 7<sup>th</sup>. During your December meeting, this Board recommended approval of a rezoning and two-lot plat at

Gardner Lake, called Humphrey Homes, and you also recommended a CUP renewal for a communications tower just north of Edgerton, with a 15-year term. Both of those applications were approved by the Board of County Commissioners last week, on January 21<sup>st</sup>.

Vice Chair Hutchins: Very good. Any questions? [None] I'll take the next item, the Planning Commission, because I thought it was a real good meeting, so I'll report on it. Last night we met as Planning and Development Commission, via Zoom as well, and I would say the highlight of our meeting was the fact that we had a consultant that joined us and talked to us in great detail about the utility-scale solar installations. There is a current initiative going on in Southwest – our scope of the world here – to do a large-scale solar farm, up to as many as 3,500 acres, in southwest Johnson County, also inching over into Douglas County as well. We had this consultant talk to us in great detail in terms of other solar farms that have been contemplated as well as installed, most notably, ones in Virginia. He gave us a really good view from not only what it entailed, what the experience was, but also helped us understand from a planning and development as well as a zoning board on what we need to be prepared for in helping manage this project from an approval standpoint within the County, key things, such as visibility. Noise isn't such a factor, but the installation, what it requires in terms of permits, et cetera, all the way to decommissioning.

Decommissioning, quite frankly, is probably one of the bigger issues in the event one of those companies that would be putting that in would go bankrupt, needing to make sure that the landowner isn't stuck with a bunch of solar panels that could potentially create an environmental hazard. So, all in all, it was an excellent session and a lot of questions got answered, but we also recognized the fact that we can't answer all of the questions that are still out there. There is still a lot more to be learned. There's a lot more to come, and I think it will ultimately reach this Board here, so it is quite impactful for our organization here. Jay or Sean, or anyone else from staff want to add on from what I just reported?

Mr. Pendley: Thanks, Randy. I would agree. Great presentation last night from our consultant, Darren Coffey with the Berkley Group. They are a specialized consulting firm that looks at planning and zoning issues, specifically environmental impacts, programs like solar energy. Randy, you're right. This Board especially...it will start with the Planning Commission, but the Southwest Consolidated Zoning Board, I think, will possibly be hearing applications in the future for this type of activity for the solar farm, because in this area, there has been a private utility effort, looking at solar farms with this utility-scale solar installation. I just want to mention that there has been no official application filed by anyone for this type of application at this point. We know that there is an investment group looking at properties in this area. However, there have been no applications filed. We have been getting some calls and emails after the meeting last night, questioning, "Where is the project?" "Can I get the map and plans?" There really are no plans. As Randy had mentioned, at this point it's just a research effort, and staff is beginning to explore possibly looking at new regulations and policies regarding these, but there's been no project approved or even filed. So, we are just looking at a certain area, but this will really apply to all of the unincorporated area. We'll certainly bring back any future updates, and we'll be meeting with the Planning Commission again, I'm sure.

Ms. Miller: And just to mention also, the Planning Commission had a special meeting in the middle of the month regarding appointment to the Charter Commission, in case Sean or Jay wanted to talk about that a little bit.

Mr. Pendley: I'll defer that to Jay if he's available.

Mr. Leipzig: Yes, Mr. Chairman, just to mention that the Charter Commission is going to begin their work. This will be about a one-year process, and I think what I'd like to propose if you all are comfortable with that is we have a Board of County Commissioners update and Board of County Commissioners actions. Maybe we can have an update on every agenda for what's been happening with the Charter Commission. That might be something just to keep everyone informed on the activities, but it's going to

be a long process, but it's exciting to get it started, and I think as members get officially appointed – I believe, tomorrow, by the Board of County Commissioners. That's all I have.

## **BUSINESS BEFORE THE BOARD**

### **A. Application No. SW 20-94-CUP (MC) – Conditional Use Permit – 35830 W. 146<sup>th</sup> Street**

Curtis Dankenbring, applicant/landowner, requests to construct an accessory building prior to building a primary residence, on 4.8 acres, on property zoned RN1, Residential Neighborhood 1 District, in Section 5, Township 14, Range 22.

Vice Chair Hutchins: Karen, can you state which one we're going to be looking at, please?

Ms. Miller: Sure. We'll be looking at Application No. SW 20-94-CUP (MC) – Conditional Use Permit at 35830 W. 146<sup>th</sup> Street, for Curtis Dankenbring, applicant/landowner, requesting to construct an accessory building prior to a primary residence on 4.8 acre, on property zoned RN1, Residential Neighborhood 1 District, in Section 5, Township 14, Range 22. As I mentioned, the property we're considering tonight, is on 4.8 acres. I will share an aerial of this property. It's currently a vacant lot. It has RN1, Residential Neighborhood 1 zoning. This is the general vicinity of the area. Here is 146<sup>th</sup> Street. The property that we're considering is outlined in blue with a red star. Here's Dillie Road, and here's 143<sup>rd</sup> Street. Notice the large area of flood plain along the west and south edge of the property and considerable tree cover in the area.

Ms. Atwell: Karen, could I make a quick little statement before you go too much further?

Ms. Miller: Oh, sorry. Yes, please do.

Ms. Atwell: I just want to let the Board know that I reside on 146<sup>th</sup> Street, where this agenda item is; however, I'm 1,600 feet out, so there's really no conflict of me hearing this agenda item or voting on it. I just want everybody to know upfront. Sorry I had to interrupt.

Ms. Miller: No, I was going to see if you wanted to make a statement, so thank you for reminding me. We just looked at the general area of the property. Here is an aerial view closer up of the property. The property lines are in blue. Here is the proposed location of the accessory building and the planned location of the future home. This proposed location is 400 feet from the closest home, 540 feet from 146<sup>th</sup> Street and again, here is the significant amount of flood plain and significant screening from trees surrounding the property.

This proposal is to allow construction of a 2,000-square-foot accessory building that is 40 by 50 feet. The building will be prior to construction of a dwelling on the property. In this particular zoning district, if an accessory building is built prior to a dwelling, then a Conditional Use Permit is required. The property building will have a metal roof and siding, a light neutral color with darker trim. It will not exceed the maximum height requirement of the zoning district, which is 25 feet. There will be two overhead doors, a man door and windows. The proposed size of the building is within the allowed square footage for an accessory structure on 4.8 acres. The maximum allowed is 2,040 square feet. The building will be used for personal storage, to include equipment such as a tractor, implements and gardening and landscaping tools. This equipment is directly related to activities occurring on the subject property. Such activities include gardening and landscaping improvements, such as planting trees, bushes and native grasses. A primary purpose of the proposed building is to provide a place to securely store equipment. The applicant's long term plan is to build a primary residence on the property, and the proposed accessory building is to support the applicant's improvements in preparation for permanent occupancy and for enjoyment of the land. The applicant has considered the entire site and has coordinated the location of the proposed building with the planned location of the future home.

I'm going to turn to figure 4 in your staff report. Here are some accessory buildings in the surrounding neighborhood. Again, the property that we're considering tonight is outlined in blue, and the location of

the building is in red, with a red star. As you can see, there are quite a few accessory buildings, and the accessory building as proposed fits in quite nicely and follows the materials and size and location of the many of the accessory buildings in the neighborhood.

I'm going to show the site plan submitted by the applicant. This will be part of the development plan adopted by resolution. Here is the overall property and the proposed location of the proposed building. This is the planned location of the home. They've made allowance for the lateral field. The applicant has talked with our Environmental Department. This is rotated on its side, but here is the elevation submitted by the applicant, of the proposed building.

Also, as a noted, staff reviewed the infrastructure serving the site and found it to be sufficient to serve the proposed building. In general, staff recommends approval of the requested Conditional Use Permit, subject to stipulations. Recommended stipulations include that the building shall be constructed in conformance with the approved site plan and elevation that the Conditional Use Permit shall have a term of ten years, and that the building shall not be used in conjunction with a business or commercial activity.

Reasons for the recommended approval include that the proposed accessory building will be compatible with the character of the neighborhood due to its materials and design, which is a metal roof and siding with a neutral color. Its use, which is storage of equipment for upkeep of the property and for garden uses and location on the site – it's in the back of the property, behind and to the side of the future home – all of these elements will blend in with the pattern of the existing accessory structures and the residential character established in this area. The second reason is that, given the conformance of the accessory building as proposed to the patterns typical within the neighborhood, and its large setbacks from the road and houses, and given the subject property's size and physical and visual separation from surrounding parcels, it's anticipated that the proposed building will have no detrimental effects to nearby properties. Lastly, for your information, a suggested motion is located on page 11 of the staff report. Thank you.

Vice Chair Hutchins: Very good. Before I open it up for questions with Karen, I'd just like to ask if there's been any conversations or conflicts of interest that need to be disclosed by our Board members tonight?

Ms. Miller: That would be other than what Teri talked about.

Vice Chair Hutchins: Very good. Any other? [None] Fantastic. I'd like to open it up, then, for questions from the Board for Karen, please.

Mr. Cooper: I guess my question is, is it correct to say that...Would the CUP become not needed once the primary house is built?

Ms. Miller: Yes, that is correct.

Mr. Cooper: Okay. So, this is really a temporary thing, until the...It can just expire? They wouldn't need to renew it if they built a house within ten years.

Ms. Miller: That's correct.

Mr. Cooper: Okay. That's all I wanted to know.

Vice Chair Hutchins: Other questions for Karen? [None] Do we have anyone, the landowner or representative of the landowner that would like to make a presentation this evening?

*Curtis Dankenbring, 953 East Cavendish Trail, Olathe, Kansas, appeared before the Zoning Board via Zoom, and made the following comments:*

Mr. Dankenbring: I didn't really have much to add. I just wanted to thank the Planning board for all their hard work on this. I think that Karen covered that all pretty well. I don't know that I really have anything else, unless you guys have any questions.

Ms. Atwell: Curtis, just because I know this was an issue in past years, you know, the five acres that's to the west of you guys that butts up to your through that waterway? You guys have had that area surveyed and marked, so you know where that property line is? Is that correct?

Mr. Dankenbring: Yes. In fact, there is a barbed wire fence that separates my property from the property to the west that borders the creek.

Ms. Atwell: Okay, just wanted to make sure.

Mr. Dankenbring: Yeah, and we had a surveyor come out and mark it, and they verified that. There are actually pipes already in place, and they verified that those are in the right location, so the fence is following that pretty well.

Ms. Atwell: Good. That's all I had.

Vice Chair Hutchins: Any other questions from the Board for the applicant? [None] All right, at this point I'd like to open it up for public comment. Do we have anyone from the public who would like to comment on this?

Ms. Davis: I didn't have anybody sign up previously, and there are a few people, but I think they might be here for other applications, and nobody is raising their hand, Randy.

Vice Chair Hutchins: Very good. We'll go ahead and close the public comment section of this. I'd like to go ahead and open it to discussion amongst the board then.

Ms. Atwell: I don't have anything, Randy.

Vice Chair Hutchins: Hearing none, do we have a motion to approve or disapprove this application?

*Motion by Ms. Atwell, seconded by Mr. Calvin, to approve Application No. SW 20-94-CUP (MC) to allow construction of an accessory building prior to construction of a dwelling on the property for the reasons and subject to the stipulations recommended by staff.*

*Motion passed unanimously.*

Vice Chair Hutchins: Congratulations, applicant

Unidentified Speaker: Thank you.

Mr. Dankenbring: Thank you very much.

Ms. Miller: I'll announce the Board of County Commissioners date. The Board of County Commissioners will hear this application Thursday, February 25, 2021. This will be a Zoom meeting online and not in person. I recommend that you check the Board of County Commissioners calendars prior to the meeting to make sure that it continues to be a Zoom meeting, or call the Planning office. Thank you.

**B. Application No. SW 20-98-PP/FP (MC) – Preliminary Plat and Final Plat – 19880 Edgerton Road**

Phelps Engineering, Inc., applicant, and Gardner Holdings, LLC, landowner, requesting Preliminary and Final Plat for two residential lots, on 80.5 acres, on property zoned RUR, Rural District, in Section 1, Township 15, Range 21.

Vice Chair Hutchins: Who from staff will be presenting?

Ms. Wicklund: I will

Vice Chair Hutchins: All right, great, Diane. Take it away.

Ms. Wicklund: I would like to enter into the record the staff report dated January 20, 2021. Also, I just want to highlight a quick typo up at the top of the staff report. It says Application No. NW 20-98. It should actually be SW 20-98, so just correcting that. This is an application for a Preliminary and Final Plat. It is located at 19880 Edgerton Road. The property has Rural Zoning District, rural zoning. This site is 80

acres in size, and it has an existing home and some accessory buildings. You can see them here on the aerial right there at the bottom, at the corner of 199<sup>th</sup> and Edgerton Road. The applicant is proposing to divide this 80 acres into two residential lots, to be known as Gardner Holdings Farms. Lot 1 will be 65 acres in size, and Lot 2 will be right at a nominal 10-acre lot size, that nominal just meaning with the Rural Zoning you can include the right-of-way into the lot area size. The property is located, you can see here, at the northwest corner of 199<sup>th</sup> Street, or 56 Highway, and Edgerton Road. Proposed Lot 1 is going to be a vacant lot and proposed Lot 2 has a house on it. Here's an aerial view of the subject properties in blue. Edgerton is down here. You can see the more dense city lots there. Here's a copy of the plat, so Lot 1 will be vacant. It's going to be 65 acres in size, and then Lot 2 will have the house, and it will be 10 acres in size.

In terms of minimum infrastructure review, these two lots do have direct access onto Edgerton Road, which is a Type III, so each lot has to have a minimum of 1,320 feet of street frontage. Both lots do have that, so they comply with the street frontage requirements for direct access. Just a note here, though, that 199<sup>th</sup> Street is restricted on access, because it's actually state right-of-way, so the plat will be revised to show access control all along 199<sup>th</sup> Street on the south side.

The stormwater management plans have been accepted by Public Works staff, and the property can be served by Water District 7, which serves the existing home and can potentially serve the vacant lot. We also did the plat analysis review. Just to highlight that a site distance study was done, and the existing driveway does meet site distance requirements, and there is a location for Lot 2 where a driveway could be located and would meet site distance requirements.

In terms of the Comprehensive Plan, the Plan shows this property to be in both the Rural Traditional Policy Area, which allows a density of one dwelling per 10 acres, and also part of it is in the Urban Fringe Policy Area, which calls for close coordination with the City – which is the City of Edgerton in this case – in coordination of future land use plans. So, the City of Edgerton did submit a comment letter that was in your packet. The City comments, the specific comments in their letter that are applicable to County Regulations, have been addressed in the recommended stipulations at the end of the report, and/or in the text of the report. But the density, that two lots on 80 acres is in keeping with future land use recommendations. Like I mentioned, the city limits of Edgerton are to the south and east, across 199<sup>th</sup> Street, and the uses of nearby properties are agricultural uses and single family residential uses, primarily on parcel sizes 10 acres or larger, except for those lots to the southeast, which are within city limits, so the proposed plat is compatible with the uses and the character of the nearby properties.

The application does include a plat exception request. You'll see the review of that on pages eight and nine of the report. So, the Regulations require that driveways onto parkways or arterial streets should be at least 600 feet from the intersection. If you look at the aerial, really what we're talking about is you can see the house and the driveway is here, so it's located about 150 feet north of the intersection. The requirement is that it be at least 600 feet from the intersection. It's not, so they're asking for a plat exception from that rule, so that the existing driveway that serves that existing home can remain in its current location. We have looked at the criteria for that plat exception request, and it is not contrary to the public interest, because the existing driveway entrance does comply with current site distance requirements, which was confirmed by that site distance study that I mentioned earlier. Furthermore, the existing driveway entrance, if we were to ask them to move it north 600 feet, it would actually be in the flood plain. I think I have an aerial where the flood plain is turned on, but you can actually see the flood plain line here. This is the lot, so the existing driveway would be right here. Here is that flood plain line, if you see my hand, so if we went 600 feet north, it would be in the flood plain. So, the public interest is upheld by leaving the existing entrance in its current location instead of relocating it into flood plain areas. Also, it does not annul the intent and purpose of these Regulations, because the entrance has existed there since at least 1986, if not longer back than that. In addition, that is prior to this regulation being adopted for that 600-foot rule. And, the entrance, like I said, does comply with site distance requirements. So, Planning staff is recommending approval of that plat exception.

You'll see in the back of report, there was a memo from the Public Works Department, from Water District 7, stating that they can serve that vacant lot if desired, and the City of Edgerton memo. So, staff is recommending approval of the Preliminary and Final Plat, with the stipulations listed on page 10, and then also including the plat exception. I would just want to add one more stipulation, a fairly minor one. If you zoom in on the plat – you can't really see this, but – they are showing an opening of 50 feet wide for the existing driveway, and that needs to be changed to a 30-foot maximum opening width there. So, if we can just add in a stipulation for that, and then the engineer will change that. I think other than that, there is some suggested motions on page 11 of the staff report. I think with that, I can stop. If you have any questions, if you want to look at the plat, I can pull up the PDF separately here, if you want to zoom in on anything. Thank you.

Vice Chair Hutchins: Thank you, Diane. Before we open it up for questions from the Board, are there any conversations or conflicts of interest that need to be disclosed, specific to this application? [None] Very well. Let's go ahead and open it up for questions from the Board for Diane.

Ms. Atwell: I don't have any.

Mr. Cooper: I don't have any, either.

Mr. DeGrande: No.

Vice Chair Hutchins: Diane, I do have one question. There at the end you recommended going from a 50-foot to a 30-foot entrance. Understanding that that residence currently has trucks with trailers. I'm not sure exactly what the business is, it seems like it may make it more difficult for entering and existing that business. Is there a reason why we'd want to take it from 50-foot to 30-foot?

Ms. Wicklund: That was a recommendation of our Public Works Department.

Vice Chair Hutchins: Because, quite frankly, I think with trucks with trailers, it's going to make it more dangerous if they have to swing out into another lane of traffic to enter into that, so they don't drop into the culvert itself. Just trying to apply my knowledge there. It seems like it would be more advantageous to leave it be, but then again, I don't know if that's a concern of the applicant or not.

Ms. Wicklund: We're not suggesting that they...I don't even think that their existing driveway is even 30 feet wide. I think it's probably less than that, so with that change we are not recommending that they have to reduce the size of their existing driveway. It's just showing a smaller opening than that 50 feet. I guess maybe we can see if the applicant has a concern about that. I think Harold Phelps is on the line.

Ms. Davis: Harold is, and so is Phil. Phil actually has raised his hand, so if you're ready for the applicant I will allow them to speak.

Vice Chair Hutchins: All right. Just want to make sure there's no more questions from the Board for Diane. [None] Hearing none, I would like to go ahead and turn it over to the applicant to speak, or their representative to speak.

*Harold Phelps, Phelps Engineering, appeared before the Zoning Board via Zoom, and made the following comments:*

Mr. Phelps: Thank you. I appreciate the opportunity to speak this evening, and I appreciate not being very many questions. I think Diane did a great job on her presentation, so I certainly appreciate that. I think on the driveway, Phil Frick probably has a better feel for that. We certainly want to cooperative with the Public Works Department. I will leave it to him, since he raised his hand and wanted to talk about that specifically, but with that, I'd be happy to answer any of the technical questions if any of those arise.

Vice Chair Hutchins: Very good.

*Phil Frick, Gardner Holdings, appeared before the Zoning Board via Zoom, and made the following comments:*

Mr. Frick: We don't have any concern about dropping that to 30 feet. The existing driveway is, I don't even think quite 25 feet wide, so 30 feet would be sufficient. It's just a driveway into the house. I'm not saying it would never be used for anything else, but I would think 30 feet would be sufficient for what we're looking for.

Vice Chair Hutchins: Very good. Is there anything that the applicant or the representative of the applicant would like to present this evening?

Mr. Phelps: No, sir.

Mr. Frick: No, sir.

Vice Chair Hutchins: Thank you. I'd like to open it up to the Board for questions for the applicant and their representative.

Ms. Atwell: None.

Vice Chair Hutchins: Hearing none, I'd like to open it up for public comment. Do we have anyone who would like to comment on this application?

Ms. Davis: No, sir. The other folks in the list are for the other application, and nobody signed up previously. Thank you.

Vice Chair Hutchins: Very good. I'd like to go ahead and open it up for Board discussion. Hearing none, do I have a motion to approve or disapprove?

*Motion by Mr. Calvin, seconded by Ms. Atwell, to approve Application No. SW 20-98-PP/FP (MC) Preliminary Plat and Final Plat at 19880 Edgerton Road, for two residential lots to be known as Gardner Holdings Farms for the reasons and subject to the stipulations recommended by staff and listed in the report. Also, to approve the plat exception allowing for the existing driveway to remain in its current location and not to be relocated to 600 feet from the intersection and to also have the engineer change the plat showing the opening for the existing driveway to be 30 feet wide instead of 50 feet.*

*Motion passes unanimously.*

Vice Chair Hutchins: Congratulations. Your application is approved.

Ms. Wicklund: I'll just jump in here real quick and mention, this will also go to the Board of County Commissioners on February 25<sup>th</sup>, 9:30 a.m. That will be with the Board of County Commissioners, like Karen mentioned, right now that will be a Zoom meeting. As it gets closer to that date, check the Planning website and/or the Board of County Commissioners website, just to confirm that it will continue to be on Zoom. Thank you.

**C. Application Nos. SW 20-100-CUP and 20-101-CUP (GA) – Conditional Use Permits – 25000 W. 210<sup>th</sup> Street**

Rick L. Riley, applicant, and Michaela Riley, Deborah Hodge, and Rick L. Riley, landowners, requesting Conditional Use Permit for 1) an oversized accessory building, and 2) keeping more horses than allowed, on 8.5 acres, on property zoned RUR, Rural District, in Section 17, Township 15, Range 23.

Vice Chair Hutchins: Who from staff will be presenting tonight?

Ms. Hayhow: That will be me.

Vice Chair Hutchins: All right, Pam. Take it away.

Ms. Hayhow: I'd like to enter the staff report dated January 20<sup>th</sup> into the record. Before I get started on the summary of the staff report, I'd like to give an overview of the history of the property and what has led us to the CUP applications tonight. The subject property is zoned RUR and is about 8.5 acres. Here's

an aerial view of the property. It was previously part of a larger property.

[Adjusting screen]

Ms. Hayhow: This property was previously part of a larger property, which consisted of multiple parcels under the same ownership. That ownership consisted of tracts 3, 4, 5, 6, 7, 8 and a 5.8-acre parcel from the adjoining property to the north. Around 2003, the previous owner of the larger parcel started selling off multiple parcels separately, and the applicant bought tracts 5, 6 and the 5.8-acre parcel in December of 2005. As noted earlier, the combined area of the property that he purchased is about 8.5 acres, which is an acre-and-a-half shy of the minimum ten-acre size required for the RUR zoning district. The subject property in the parcels to the east are all non-conforming in terms with the minimum size of the RUR district. The properties to the east are significantly smaller. They're about 1.3 acres in size. So, if the subject property or the parcels to the east were conforming, meaning ten acres or larger, there would be no limit in the number of horses kept or the limit in the number or size of accessory buildings. There would be no zoning requirement for either CUP that's requested here tonight. However, that's not the situation.

The subject property and the parcels to the east, along 210<sup>th</sup> Street, are not ten acres, and they are not conforming. There is a formula in Article 18 of the Regulations for properties which are less than ten acres in size. The reason for that formula is that when the properties are smaller, the residences are closer together and incompatibilities between lands uses is much more likely. The formula is the way to set limits with the intent to increase the compatibility between the land uses. Based on that formula, up to five horses could be kept on the subject property, and the accessory building could be up to 3,150 square feet in size. The Regulations also allow relief from the limits of the formula. That relief is a Conditional Use Permit. The applicant has 16 horses and is requesting a CUP to keep all 16 horses. The existing barn is 4,675 square feet, or about 48 percent larger than what's allowed without a CUP, so the applicant is requesting to keep the barn as it is, which is basically the size it was when it was constructed in the 1970s.

The number of horses was brought to staff's attention when we received a complaint about a large manure pile and the associated odors and flies around the pile. The pile was located in an area close to the property line between the subject and the adjacent property to the east. Bob Mason, our Code Enforcement Officer, contacted the now applicant to determine a couple of things. One, if there was a zoning violation and two, to try to address the complaint. I'd like to talk about the last part first. The applicant worked with Bob and removed the large manure pile. The majority of it was spread over the north half of the 5.8-acre pasture. He has since contracted with Waste Management to have weekly pickup. The manure is collected in two dumpsters located close to the barn, but in an area that is also accessible by the trash truck. The applicant is proposing to put up a six-foot privacy fence along the shared property line, basically where the barn is not screened by the accessory building on the adjacent property, so roughly about 100 feet along the east property line. This is the wrong time of year to assess whether flies are still an issue, but weekly removal of the manure should reduce the overall number of flies.

This isn't a question about whether the applicant can keep horses. The Zoning Regulations allow it. The second, whether this is a zoning violation, if you look strictly at the 8.5-acre size of the property and apply the formula, keeping 16 horses is a violation. But by State law, agricultural uses are not subject to local zoning regulations. The keeping of horses can be considered agriculture, depending on how they are used. Breeding is agricultural. Certain type of training is agricultural, though not for training racehorses. I'm not sure what a horse sanctuary would be considered. I'm not going to go into the staff report tonight, but staff initially approached this as a zoning violation. The report contains a thorough review as to whether keeping 16 horses would be consistent with the zoning and uses of the nearby property, whether its compatible with the character of the area, what the anticipated impacts are to the neighboring properties, all of the Golden Criteria for reviewing proposed land uses. After review, staff

ended up recommending denial of the CUP to keep 16 horses, but provided an alternative for the Zoning Board to consider if they were considering recommending approval. That included recommending a fewer number of horses – eight – and some stipulations. There weren't any issues with the oversized building, so staff was recommending approval of the CUP for the oversized building.

But if the use is determined to be agricultural, none of that review or recommendation really matters. The use would not be subject to the Zoning Regulations. That includes the accessory building. What I would recommend tonight is that maybe we hear from the applicant and any neighbors that want to speak tonight at the public hearing, but that these applications be continued to the February 24<sup>th</sup> meeting. That would give the applicant time to provide reasons why he considers what he is doing to be a hundred percent agricultural and time for staff to review and make an official determination. If an agricultural determination is made, there would be no zoning violation, and the applicant could simply withdraw the applications. If it is determined to not be an agricultural use, staff would present those findings at the next meeting, and the Zoning Board could consider and make a recommendation to the Board of County Commissioners.

I do want to note that earlier this week I received some photos and an email from the neighbor to the east, and it contained three discussion points that they would like the Zoning Board to consider. I have those attached to the graphics and would be glad to put them on the screen whenever you'd like. I'll just quickly run through the graphics here. This is the aerial. This is actually the Certificate of Survey that created the 1.3-acre lots along 210<sup>th</sup> Street. We've got a picture of the barn. You can see the two dumpsters that are used now to collect the manure. We've got a zoning map, so you can see that the area completely surrounding the subject property is zoned RUR, Rural, with that ten-acre minimum size. This is a little bit different kind of graphic, showing the topography, also noting the dates when the different developments occurred. The subject property, the house and the barn, were built in the 70s. After the previous owner started selling the properties off, the home immediately to the east was built, around 2004. This property still remains vacant. There's no residence on it. There is a detached accessory building on it. This house was built in 2006. Then the one close to the pasture was built in 2008. These are the photos that were sent to me, and I've got the discussion points here. With that, I'd conclude staff's presentation.

Vice Chair Hutchins: Thank you, Pam. This is a unique one, so I guess I'm going to ask for a little guidance here. Do we want to have discussion at this point in time, or do we want to go ahead and say that this is going to be tabled to a future meeting, to where staff has an opportunity to gather more information?

Ms. Hayhow: It's certainly up to the Zoning Board. I believe the applicant is here, all three of the property owners, as well as at least one of the neighbors, so that's why I recommended potentially listening tonight, so that any concerns could be at least voiced, because there is potential that if staff does make that agricultural determination, that there wouldn't be opportunity for that discussion later.

Mr. Pendley: I agree with Pamela. I think it would be certainly worthwhile to have the applicant provide any additional information for this application at this time, and then open up the public hearing. Certainly, the Board can do that, and then also provide any initial comments. Certainly, at that time, staff would recommend continuing this applicant to the next meeting. That would allow that additional time, so if you take that action to continue it, it still keeps this application going, and if at that time later if there's an agricultural determination, this application could either be acted on, or it could be withdrawn, so still keep your options open both ways by starting the discussion. That would be fine.

Vice Chair Hutchins: Thank you, staff. I want to open the discussion up to the Board to determine how we proceed forward, because this is a very unique situation. So, from that, I'd like to hear from members of the Board. Do we want to go ahead and continue forward with listening to both the applicant as well as the neighbors during this meeting tonight?

Ms. Atwell: Chairman, I don't have a problem with hearing from the neighbors. I am thankful that the staff wants to pull this back and see about that agricultural designation, just because I'm pretty up to date on agricultural statutes through Kansas, so I'm all for having them pull that back and reassess that, so we don't get in a bind later. But I'm not opposed to hearing from the applicant or the neighbors. But on the sheet that's up here now, it's too small for me to read, so that's going to have to be read into the record, unless they're going to send it to us.

Ms. Hayhow: We can certainly send it to you.

Ms. Atwell: Thank you.

Vice Chair Hutchins: Any other comments from the Board?

Mr. DeGrande: Yes, Randy. I certainly think we should hear from the applicant and the neighbors. I don't want to waste their time by having them jump through the hoops of getting into this meeting online and everything, and then saying, "Well, we'll do it again next month." I would welcome their input at this point.

Mr. Cooper: I agree with both Teri and John on that.

Vice Chair Hutchins: Very good. I would like a motion, then, made to proceed. Is there someone willing to make a motion to proceed?

*Motion by Mr. Cooper, seconded by Mr. DeGrande, to proceed with hearing the applicant and all parties involved.*

*Motion passes unanimously.*

Vice Chair Hutchins: Very good. Let's go ahead and move forward. We'd like to now hear from the applicant, so do we have the applicant online?

[Arranging for speakers in Zoom]

*Rick Riley, 5000 West 210<sup>th</sup>, appeared before the Zoning Board via Zoom, and made the following comments:*

Mr. Riley: First of all, thank you so much for letting us present this applicant to you, and Pamela, thank you so much for a nice presentation. She included a lot of information in the two CUPs, and I understand that there's a lot of information to think about. First of all, if the question is about agriculture, we raise horses, we breed horses, and we train them for shows. We don't do any racehorses. Our horses are a combination of Arabian and Half-Arabian. We have been breeding and training for a number of years, and we have had some really good success with that. We've had a couple of national champions and several runner-up champions. Our intention is to sell the horses as we breed them and train them, but anybody that's in the horse or animal business knows that it's a difficult thing to do to find the right people, so we have been collecting the younger horses over the years, which is why our herd has gotten to such a large size.

It was never our intention to have so many horses, but we love them so much that we hate to part with them too soon. Also, with that idea, our horses are not field horses. They're not scrub horses. They are highly trained and good performing horses, and they have pretty good significant value. The last couple of years have been very difficult for us, especially with COVID this last year, trying to match up buyers with the horses, and so it's sort of put a scrunch into our plans. We are agreeable to whatever decision the Board comes up with. We are understanding the situation with our neighbors, and we are very sorry that that whole situation came up. We began piling manure next to the barn, not out of desire, but because of weather conditions and then some medical issues that came up. We have since eliminated the big pile, and now the two dumpsters are there. The manure is being eliminated every week. Waste Management has been very good about coming and collecting it and taking it away. We really hope that that will resolve the problem. If there is a better place to put the dumpsters, we are open to suggestions on that, but anything else would have to include adding some additional access for the Waste

Management truck, so we will have to know what that is. I'm open to questions, or any particulars that you'd like to know at this time. I'm also agreeable that if we want to postpone, or if you guys want to postpone this decision to next month, or whenever, we're open to that too. If you need some additional information, I think we can supply that. That's all I have at the moment. Thank you for your time, and hopefully you can ask questions if you like, or whatever you want to do at this point.

Vice Chair Hutchins: Thank you. I'd like to go ahead and open it up to the Board to ask the applicant any questions.

Ms. Atwell: Nothing.

Vice Chair Hutchins: All right. Very good. Let's go ahead and move on to the part where we're going to ask for public comment, so if you would like to speak, we simply ask that you keep your comments to five minutes or less, and we will reserve the right to ask, the Board would ask you questions as follow-up questions once you've completed. So, with that, do we have somebody from the audience who would like to make a public comment?

*Daniel Hein, 24914 West 210<sup>th</sup>, Spring Hill, Kansas, appeared before the Zoning Board via Zoom, and made the following comments:*

Mr. Hein: With me is my neighbor, Elaine Ermie [phonetic] at 24976 West 210<sup>th</sup>, Spring Hill, Kansas, who is immediately east of the property in question. Regarding the items there that you were showing, the 1, 2, 3, we are just asking if there's any further... We looked at the staff report and felt that the analysis was thorough and are hopeful that eight horses would be consistent and reduce the volume of the manure, and the only other thing that we were asking for was for the relocation of the dumpster to the west. It says east, but east is the property line where the dumpster is currently located. Because the primary issue with that area is just the pests that are shown on slide nine. If you zoom in you can see around the rear windowpane and the insects there. That's even kind of a light one, but collects frequently. Elaine wipes that off quite frequently.

*Elaine Urmie, 24976 West 210<sup>th</sup> Street, Spring Hill, Kansas appeared before the Zoning Board via Zoom, and made the following comments:*

Ms. Urmie: Yes. And the insects, and I have the smell with the manure. If he could just move his dumpster.

Mr. Hein: A little further to the west if possible. So, we're hopeful that the recent improvements that have been suggested and the steps that are taken will actually reduce that, and the questions in slide 12 are really around what recourse do we have as his neighbors should it not be sufficient to reduce the issues? We don't want to impede anybody's enjoyment or freedom to do what they want to do, but at the same time, respecting our use and quiet enjoyment and the two-tenths is gradually becoming more of a neighborhood, so to speak, that's less consistent with an agriculture zoning area, even though it's around in that area and we certainly do appreciate that country feel, but just wondering where we go from here should this not be sufficient. Again, we are hopeful that it is.

Vice Chair Hutchins: Very good. Do we have anyone else who would like to make any public comments?

Ms. Davis: Those were the only people here, other than the property owner, sir.

Vice Chair Hutchins: Very good. Thank you. Questions for the public comment people available? [None] Very good. Well, I appreciate everyone participating tonight, and your sharing your comments and all. Pam, as you suggested, you're going to take this back and do some more research in terms of what the state statutes allow here. When would you expect that we would hear back on this application?

Ms. Hayhow: We will have findings that we would submit to you just like a regular staff report, so it would be a week before your February 24<sup>th</sup> meeting.

Vice Chair Hutchins: Okay. Great. I think that concludes this application, and we'll look forward to your

feedback, Pam.

Ms. Atwell: Do we need to make a motion to –

Mr. Pendley: Yes, there needs to be a motion and a recommendation to continue this application.

*Motion by Ms. Atwell, seconded by Mr. Cooper, to continue Application No. SW 20-100-CUP and 20-101-CUP (GA) until the February 24, 2021 meeting for further review from Planning staff regarding agricultural statutes.*

*Motion passes unanimously.*

Vice Chair Hutchins: Very good. We have continued this application. Thanks again, everybody, for participating and joining and providing comment.

## **VI. BUSINESS FROM THE FLOOR**

Vice Chair Hutchins: Does anybody have any business from the floor?

Ms. Atwell: I do. I kind of brought it up in the beginning when we were taking roll call. Sorry about that, Leslie. But you know, JP and Hank have both resigned from our Zoning Board, and I wanted to let everybody know, I have had several people inquire about being appointed, so I sent emails to Jay, and then I believe the two people that are interested also sent emails. I think Jay can verify. I think he forwarded those on to our new County Commissioner, Shirley Allenbrand. Then, we also, with the leaving of Hank, that leaves an open spot on the Planning Commission that we need to fill, and personally for me I would like to see somebody from our Zoning Board fill that position. I don't know what Commissioner Allenbrand thinks about that, but I kind of wanted to see what the rest of the Board thought. We just want to make sure we get these seats filled as quickly as possible, so that we maintain a full board.

Mr. Leipzig: Commissioner Atwell, I will just tell you that I have been forwarding those messages along to Commissioner Allenbrand, and since you made the comments tonight, that will be part of the public record, the meeting minutes, and I know that she does review those, so she certainly will see your comments. I will mention something to her as well, just to make sure that she did see those, but I know that she is actively looking at filling the open position.

Ms. Atwell: Thank you. Thank you for doing that, too, Jay. I appreciate it.

Mr. Leipzig: You're welcome.

Ms. Atwell: I think that's all I had.

Vice Chair Hutchins: All right. Thank you, Ms. Atwell. Do we have any other business from the floor?  
[None]

## **VII. NEW BUSINESS**

Vice Chair Hutchins: Is there any new business to be discussed? [None]

## **VIII. OTHER BUSINESS**

Vice Chair Hutchins: Jay, if you would, could you give us just a brief overview? I know there's been a lot of discussion regarding the potential annexation of property on the east side of Gardner Road as to Moonlight as well as, I think it would be south, of Gardner Road. Can you just give us an update of where that stands and what the County's assessment of that has been?

Mr. Leipzig: I'd be happy to give an update on that, the annexation. There has recently been a couple annexations into the City of Edgerton about annexing property, voluntary annexation the City is doing for contiguous property, and there's several parcels involved in that. Johnson County did review it, our legal team looked at the annexation petition and verified that it is contiguous, which means at that point, because

it is contiguous and voluntary, the County, if it was done properly, it's really a City decision to do that, so the County doesn't have a voice in any of that process. But we did look at it to make sure it was a legal petition and that it met all the legal requirements that the City of Edgerton had to go through, and it does meet that. I know there have been several calls about that, and there were some concerns. I believe it was annexed about a month ago, if I recall, right at, I believe, the very end of December or the beginning of January. That's all I have for you in terms of details about it.

Vice Chair Hutchins: Thank you, Jay, appreciate that.

Mr. Leipzig: You're welcome.

Vice Chair Hutchins: Any questions for Jay in that regard?

Mr. Calvin: I have a question. I'm out here on 199<sup>th</sup>, just east of Gardner Road, and my understanding is there was a – and I don't remember the terminology – but along like a narrow stretch of property that was gained to be able to have that property touching to be able to annex, and there was some question about the legality of that long narrow stretch of property and how it was divided and obtained, there on the southwest corner of 199<sup>th</sup> and Gardner Road. In addition to that, there was a purchase of a property about, I don't know, four or five houses south of 199<sup>th</sup> Street on the east side of Gardner Road. My concern is the houses on the south side of 199<sup>th</sup> Street and on the east of Gardner Road, there's an L-shaped area of housing that most of those lots are five-acre piano lots, and there was a property that was purchased, or bought, and then voluntarily annexed. Well, that annexation cuts through that, basically, neighborhood of those five-acre lots to gain access to the 300 or 400 – I'm not sure how many – acres behind their houses. It doesn't seem proper to me to be able to cut through a neighborhood to be able to gain access to the property behind a neighborhood. So those two factors to me are concerning. Has that been addressed?

Mr. Leipzig: I will say, Mr. Calvin, the Johnson County Legal Department did look at that. That was the issue they were looking at, to make sure that everything was properly...all the steps were properly followed on the annexation in terms of the notification and how that was done. But your parameters you described with looking at that narrow strip of land and annexing that qualified it, because of contiguous annexations, that's what the legal team did look at, and they determined that it was done lawfully and properly. This is on their review internally. Now, that does not preclude the other property owners reviewing it as a group, but that was the determination by the Johnson County Legal Department.

Mr. Calvin: Right. So, I was talking with somebody who looked into that annexation law, and there's really not a clear definition about the narrow stretch and how long and narrow that needs to be before it qualifies as being illegal. So, I would just recommend that that needs to be addressed so it's clearly defined, because that's very subjective. What's narrow? What's long? What's good? What's right? So, it's very subjective, very gray.

Mr. Leipzig: Mr. Calvin, I will certainly...These meeting minutes are reviewed by Rick Lind in our Johnson County Legal office, and I'm sure we'll talk about that. I'll mention that to him, your concerns, and see if he has any other opinions on that as well, but I do know that they looked at that pretty carefully. But yeah, I understand your concerns. I think that was the opinion of the other neighbors there, too, when they looked at that, they also had concerns about that.

Mr. Calvin: Okay, thanks.

Mr. Leipzig: Yes.

Mr. DeGrande: Jay, I have a couple questions and a comment on that as well. My mother actually lives on the southeast corner of 215<sup>th</sup> and Moonlight, so she's in Miami County, but actually kitty-corners the Miller property, which made her within the 1,000-foot notification zone. I had lots of people stop in as I'm doing chores down there and call me with questions about what Johnson County is going to do about the road situation, because if they can...I don't know how they're planning on accessing those properties and the road. That's what most people I talked to are concerned about is the infrastructure that's needed, and it's

not there now. Anybody that's gone down 207<sup>th</sup> Street to the west of Gardner Road where it's gravel, and you've got semi's coming back and forth all day long...I know this fall, that property to the north was gray from all the dust, and when they effectively cut off these houses, they're surrounding them, and it's going to make it a nightmare if they actually start developing that. I don't know what their timeline is, and I don't know if you have heard any discussion about what they are really potentially planning for that. They get the LP zoning that pretty much opens it up to anything but a strip club as far as I can see. So I mean, I've had several neighbors – and these people are further east, down 215<sup>th</sup> Street and stuff like that – they've been hitting me up, "What do you know?" I said, "I don't really know anything," and I don't think it's in our jurisdiction, so I don't know what can be done, but I know there's a lot of concern out there.

Mr. Leipzig: Mr. DeGrande, I have had an additional conversation with Brian Pietig, the Johnson County Public Works Director, and we are coordinating a meeting in the near future with officials from Edgerton to talk about that. There is also other concerns expressed about the road improvements and the timing of those road improvements and when that will take place, so we talked about coordinating a meeting between all of the parties together, and we'll be doing that probably in the fairly near future, and would be happy to report back to you at that time, too.

Mr. DeGrande: Okay, that would be great, because I read the Edgerton assessment of the planned rezoning changes, and it basically says, "Don't worry about it. We'll take care of it later." So, I think it needs to be addressed before they approve the LP zoning, but we don't have a vote in that.

Mr. Leipzig: Your comments are certainly noted.

Ms. Atwell: Jay, kind of along those same lines with the road issues, I also have been contacted by a couple of people that live in that area, and even today with the road traffic, I think it was like 199<sup>th</sup>, like that road is so narrow, and the trucks that are coming and going right now, people are having issues getting into their driveways. If there's law enforcement that has stopped somebody, you're forced to take your life into your own hands to try to get around, and that's so dangerous for those residents that live over there. That needs to be addressed like tomorrow, it's so dangerous. They definitely need to do something with that and then to ensure that the people that are left over there where their driveways butt up against that road with that truck traffic, they need to have some type of assurance that it's going to be safe. I don't think they feel like, as of today, it's safe, so maybe you can talk with Brian Pietig about that, too, to see what they can get done.

Mr. Leipzig: Yes, I will definitely report back to you.

Ms. Atwell: Okay, thank you.

Mr. Calvin: Teri, thanks for bringing that up. I meant to mention that earlier, too, so if you don't mind, Jay, I'm on 199<sup>th</sup> on the north side, and we are still unincorporated Johnson County, so Gardner did annex portions coming down to 199<sup>th</sup>. About a year ago we sold our frontage to Johnson County for a shoulder improvement project, about a tenth of an acre in front, and everybody, as far as I know, most of the people down the street here did, and then Gardner came in and annexed as an attempt to try and push development of Edgerton further south. They wanted to control 199<sup>th</sup>, so they annexed big chunks. There's still several people along the north side, at least, of 199<sup>th</sup>, and I believe the south side, too, that are still in unincorporated Johnson County, so we're kind of in limbo here. We have portions of 199<sup>th</sup> that are basically now in Gardner and then my stretch is in Johnson County, and I believe that Edgerton has now annexed the south side. I believe that would be controlled by them, so who is going to be in control, or who is going to do the road improvements? Is Johnson County still looking at doing shoulder improvements, or have they decided not to, since now there's a big chunk of it annexed by Gardner? It seems like there's three...Gardner has part of it; Johnson County has part of it; and Edgerton has part of it. I just would love to see the road be safer, because there is a tremendous amount of semi traffic up and down 199<sup>th</sup> Street, and there's no shoulders. Just this morning I had a car in the ditch in front of me, and there were semi-trucks trying to get around it. It was pretty dangerous, and Gardner responded, which I thought was weird, because the area in front of me

is not Gardner, it's shared [phonetic]. So anyway, it's kind of a weird situation, and I'd just like to know, is that shoulder improvement going to continue, or has that been cancelled and pushed onto to Gardner?

Mr. Leipzig: Okay, yeah, Mr. Calvin, I'll research that. We'll try to get a meeting established and talk with further research with Brian Pietig. Perhaps I could even have him attend our next meeting and report out a little bit in terms of a response to your questions.

Ms. Atwell: I think it would be great if Dustin could attend that meeting, or a couple of other residents, so that they can put their two cents in, and if it has to be a project divided three ways – Edgerton, the County and Gardner – the bottom line is that that road needs to be safe for the residents that have to travel it, so I think having one of the residents, like Dustin, in that meeting so that his concerns can be addressed fully, I think would be fabulous.

Mr. Leipzig: Well, certainly after I visit with the Public Works Director to get some additional information. I can tell you that most of the time the roadway improvements are part of an agreement like that, future agreements for the roadway, in terms of who's doing what. I just don't know when. I'll find out that information.

Ms. Atwell: Okay. Thanks, Jay.

Mr. Leipzig: Thank you.

Mr. DeGrande: One more quick point of order.

Vice Chair Hutchins: Yeah, go ahead please, John.

Mr. DeGrande: It's not just 199<sup>th</sup>. It's the worst. Gardner Road is about as bad, but there's semi traffic on 215<sup>th</sup>, on Moonlight Road. I get it on 191<sup>st</sup> here. There's a lot of them out there on the rural roads. You can blame a lot of it on the GPS stuff. They don't know what they're doing, and the GPS isn't helping them out. I get to answer questions from truckers all the time. They flag you down, which is unsafe in itself, because they're right in the middle of the road. So, something needs to be addressed. I don't know what, don't know how, but we'll leave that up to your capable hands.

Mr. Leipzig: Okay, thank you. We'll definitely look into that matter.

Vice Chair Hutchins: Jay, listening to the conversation, here we are, the Southwest Zoning Board, and I think to myself, this just doesn't seem to be going very smooth at all, and the question comes to mind, well what should we have done, or what could we do about it? Then it takes me back to the Commission that I serve on is the Planning and Development Commission. It comes to my mind, why are we in this situation? As the Planning and Development Commission, is it not our role and responsibility to do the planning and work with the cities and make sure there are no surprises like this? It just seems odd to me that we have a Planning and Development Commission, and we've got these surprises. It's like there's something that we're missing as a County and the organization that these should be going much smoother than what they are. We should not be having the debates at City Hall on the six o'clock news of what's going on here. There should be a very well, methodical plan with handshakes and whatnot on how we're moving forward as a County, both from the municipalities as well as the unincorporated area. I would just be curious about your opinion in that regard, and if you think that there are some actions that perhaps we need to take from a Planning and Development Commission to help make these things go a lot smoother.

Mr. Leipzig: To your point, Mr. Hutchins, that's very good points, and ideally that is the purpose of planning, the purpose of having our Comprehensive Plan. And the purpose of having the Comprehensive Plan for Edgerton and Gardner, so did you know we're in the process of updating those documents? We can't do that soon enough, frankly. That's something that's a critical area. This area, too, it really exploded in the last few years, in terms of it was, I can't say it was unexpected, but it really is something that we need to be very proactive about doing and putting together the Comp Plan update. We've been waiting for that. I think even an area plan with something like that, and coordination with the City of Edgerton and the City of Gardner. We've talked about doing that internally and starting those discussions. That's kind of the idea of this joint

meeting to talk about that and how the development can be more consistent. Because yeah, that is a concern that we have. That's it exactly and why we have our Comprehensive Plans and why our plan should be consistent with adjoining cities, and vice versa. It's important. But the Planning Commission and this body, Planning staff, and the Planning staffs of Edgerton and Gardner, those are the right groups of people that should be looking at that. And Public Works.

Vice Chair Hutchins: Very good. Any other comments?

Mr. Calvin: Well, yeah, sorry. Jay, I just wanted to say, the Comprehensive Plan, the comment you just made is super important. I've been out here for ten years. The Comprehensive Plan at the time, everything was just like it said it was. But Edgerton, like you said, is exploding. Things have changed for them, and I understand. They want to continue. They want to develop. They need to bring in... I understand the business side of things, but they're not following what they had in their Comprehensive Plan, and I know it's affected some recent homeowners out here. They've purchased property out here maybe a year ago, and they looked at all the Comprehensive Plans from Johnson County to Gardner to Edgerton, and they felt like this was a safe place for the rural aspect of thing. And then, of course, Edgerton's not following their Comprehensive Plan. They were never supposed to come on this side of I-35 and 199<sup>th</sup> Street, and they started to do that with Kubota and then Hostess, and they're going to continue to come through here.

These people have only been here a year, and now they're looking at being pushed out by commercial properties and warehouses, and it was supposed to be, their Comprehensive Plan, was supposed to go the other direction. People utilized that information to make these decisions to purchase property out here. It's a huge issue, so yeah, I think everybody needs to be held accountable. If they have a Comprehensive Plan that's available to the public and they're going to utilize that information, they need to stick to it. I just went to a meeting in Edgerton when they were talking about doing the rezoning and they said right there, they talked about how they understand that this is not part of their Comprehensive Plan and things have changed. It's diverting away from their Comprehensive Plan, and it's okay for them. It's frustrating for a lot of people in this area, because, like I said, they utilized that information. I think everybody needs to be onboard with their Comprehensive Plans and there needs to be some accountability. Those things need to be accurate.

Mr. Leipzig: Yes, sir, I agree. I know that that's been our priority is to, first of all, get the funding to update the Comprehensive Plan. We have that in place, and we're going to be moving with that as quickly as we can. But yes, it's long overdue, and it does need to happen.

Mr. Calvin: Thanks.

Mr. Leipzig: Yes.

**IX. OLD BUSINESS [None]**

**X. ADJOURNMENT**

Vice Chair Hutchins: Do I have a motion for adjournment?

Ms. Atwell: I'll make the motion, but I do want to make one more comment. Thank you, Leslie, for all you do in these Zoom meetings. I know it can't be easy for you, and you take it on like a professional. I have to tell the staff and Jay and Sean, I've been doing this for ten years, and we appreciate what you guys do. I just want to say thank you.

Ms. Davis: Thank you, Teri, and you're very welcome. It's a pleasure.

*Motion by Ms. Atwell, seconded by Mr. Cooper, to adjourn the meeting.*

*Motion passed unanimously.*

Thereupon, with no further business to come before the Johnson County Southwest Consolidated Zoning Board, Chairman Shafer, at **7:06** p.m. declared the meeting to be *Adjourned*.

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*Randy Hutchins, Vice Chair*

ATTEST:

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Secretary to the Board