

# **SOUTHWEST CONSOLIDATED ZONING BOARD**

Zoom Webinar

<https://www.jocogov.org/dept/planning-and-codes/pln/home>

## **MINUTES**

**Wednesday, March 24, 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, March 24, 2021, and was called to order by Darren Shafer, Chairman, with the following members present and participating; to-wit: Randy Hutchins, John DeGrande, Teri Atwell, David Wolf and Jason Cooper. Dustin Calvin was absent. Also in attendance were Jay Leipzig, Sean Pendley, Pamela Hayhow and Leslie Davis, Johnson County Planning Department.

Chair Shafer: Good evening, everyone. We do have a quorum this evening. It is March 24<sup>th</sup> at 6:30 p.m. I have a statement I would like to share:

*To reduce the spread of COVID-19, the Southeast Consolidated Zoning Board meeting will be conducted online using Zoom Webinar. The Board members will not be physically present in the board meeting room.*

*If you are using Zoom, you may participate in the meeting using your computer, phone or other electronic device. If you e-mailed the Planning department in advance of this evening's meeting and signed up to speak at the public hearing cases, your name will be called by the moderator in the order received. If you are unable to sign up in advance and you would like to speak, then prior to the start of the case that you want to speak on, click the "raise hand" function in the Zoom app. By phone, you may raise your hand by dialing \*9.*

*All speakers will be limited to three minutes, unless the Chair designates a different time period in order to accommodate all the speakers desiring to speak. When your name is called by the moderator, your microphone will be unmuted. Please state your name and address for the record, followed by you comments. With respect to all Board members and presenters, please state your name every time you begin talking, so the notes can be transcribed accurately for the record. This is a public hearing. We are presenting live and recording the meeting. Thank you.*

Mr. Pendley: I also wanted to mention, if anybody is attending the meeting and is having difficulty with connecting or seeing anything, we do have a technical support number we can give to people to get help with connecting on Zoom. That number is (913) 715-9666. If anybody has questions, as the Chairman indicated, you can raise your hand with the raised hand function on the app, or by dialing \*9, and we will look for people as they are raising their hand. Thank you.

### **II. AGENDA ITEMS:**

- A. Add, Delete, or Revise, and Approve Agenda Items [*None*]
- B. Disclosure of conflicts of interest [*None*]
- C. Disclosure of external contacts/discussions [*None*]

### III. APPROVAL OF MINUTES

*Motion by Mr. Wolf seconded by Ms. Atwell, to approve the minutes, as revised, from the February 24, 2021, Zoning Board meeting. Motion passed unanimously.*

*[Randy Hutchins joined the meeting]*

### IV. BOARD REPORTS

Chair Shafer: Do I have Board of County Commissioners actions?

Ms. Hayhow: The last time this Board met, we just continued an application, so there weren't any actions to update you on.

Chair Shafer: Okay, thank you. Do we have any Planning Commission activities?

Mr. Pendley: I will note that we did a Committee of the Whole meeting on March 11<sup>th</sup>, the Planning Commission and the Board of County Commissioners. That was to consider updates to the Comprehensive Plan and the Zoning and Subdivision Regulations for Utility-Scale Solar Energy Facilities. We'll be getting an update to the Comprehensive Plan and the Zoning Regulations to address that use. We had a good introduction to that, a work session with the consultants, the Berkley Group. They provided an overview of the proposed changes and an introduction to the issue. We will have a Planning Commission meeting on April 27<sup>th</sup> to consider draft amendments to the Zoning Regulations, so that will be the first meeting we have, but we are anticipating after that would be to bring them back forward with another public hearing in May with the Planning Commission and then ultimately the plan will be to go to Board of County Commissioners for adoption. I just wanted to give everyone an update on that.

Chair Shafer: Okay, thank you.

### **BUSINESS BEFORE THE BOARD**

#### **A. Application Nos. SW 20-100-CUP and 20-101-CUP (GA) –Conditional Use Permits–25000 W. 210thStreet**

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

Chair Shafer: On this particular application the applicant has withdrawn this item, and no action is required for this item. We just wanted that on record.

#### **B. Application No. SW 21-116-PP/FP (GA) – Preliminary and Final Plat –167thStreet and Four Corners Road**

Zane Belden and Heartland Family Farms, LLC, applicant/landowner, requesting Preliminary and Final Plat (Heartland Family Subdivision) for 5 residential lots on70.4acres, on property zoned RUR, Rural District, in Section 21, Township 14, Range 22.

Chair Shafer: We'll have a presentation by staff.

Ms. Hayhow: I'll be presenting this. I'd like to enter the staff report dated March 17<sup>th</sup> into the record and give a brief summary. This 70-acre property is located near the southeast corner of Four Corners Road and 167<sup>th</sup> Street. It's zoned RUR, Rural District, and is used for the cultivation of row crops. There are no existing structures on the property. The property is near the top of a ridge and slopes in three different directions. The majority of the stormwater from the property flows to the east. A small portion flows the south, and an even smaller portion flows to the west. Roughly this area in here flows to the west. This area goes towards the south, follows this channel, and you can see how the land drains to the east.

There are two sets of gas pipelines which cross the east part of the property. Currently, there is a blanket easement for these pipelines that encumber the property. The proposed plat shows two large easements over each set of pipelines. The applicant has been working with the gas companies to define these easements, and verification that the gas companies agree to the easements will be required prior to the plat being recorded. The proposed layout for the east lots reflect the gas line easements. It's slightly irregular shaped but they are large lots. They range between 10 acres and 15 acres. The shape of these lots is less likely to affect future redevelopment than the presence of the gas pipelines.

Four Corners Road is a designated as a Type 2 Major Arterial on the Comprehensive Road Network Plan (CARNP). A minimum of 660 feet of frontage is required for a driveway. The property in total has 1,000 feet of frontage, so what the applicant is proposing is a shared driveway at the common lot line between Lots 1 and 2. Staff is recommending a stipulation that the shared driveway – at least the part that's in the right-of-way – be constructed by the applicant prior to the recording of the plat. This avoids issues when the timing of development on the two different lots is not at the same time. A lot of times the construction of the driveway and partial construction causes issues with drainage and maintenance-type concerns, so we're having the applicant install that prior to the plat being recorded. 167<sup>th</sup> Street is a Type 1 CARNP. It requires a minimum of 330 feet of frontage per driveway. All of the lots fronting onto 167<sup>th</sup> Street meet that minimum requirement. The driveways for the three lots will be installed by the individual property owners as they develop the lots. I should note that there was a sight visibility study submitted with the plat application. The sight visibility on the shared property line on Four Corners Road as well as locations along the frontage of all three of the lots on 167<sup>th</sup> Street has been verified, so the driveways should not be an issue.

The property is in the Urban Fringe Policy Area, but there are no lots that are less than seven acres, so the subdivision is not subject to the Dry Sewer Policy, which requires dry sewers to be installed in conjunction with the use of on-site septic systems. There are sanitary sewers that could serve at least the east three lots of the proposed subdivision, but the sanitary sewers are City of Gardner sewers, and for these lots to connect, they would have to be annexed into the City of Gardner to be able to do sewer. The ridge line, I don't know if development on Lots 1 and 2 could be pumped over to the Gardner system, but it would not be a gravity flow situation. Water District 7 has a 12-inch water main along Four Corners Road, and there is also an eight-inch main along the north side of 167<sup>th</sup> Street, so the lot owners will need to petition Water District 7 for service. Because the existing mains are capable of providing fire flow, a fire hydrant will be installed within 600 feet of Lot 3. There is currently a fire hydrant on 167<sup>th</sup>, near the northeast corner of the property, but it's more than 600 feet from the property line for Lot 3.

The proposed 10-acre and larger size lots are in keeping with the Urban Fringe Policy Area, where the standard density is one dwelling per ten acres. Staff reached out to the City of Gardner for comments, but did not receive any. The property is shown on the City's Future Land Use map as appropriate for Low Density Residential and Park and Recreational use. Given the large size of the proposed lots and the easements for the pipelines, there will be large areas of open space that is suitable for Low Density Residential or Park use should the City decide to pursue annexation and acquisition, so the property will remain RUR, which allows single family residential, accessory to residential and agricultural uses on minimum ten-acre size lots. This is consistent and compatible with the uses and character of the surrounding area. Staff is recommending approval of the request for Preliminary and Final Plat, subject to stipulations as mentioned in this presentation and also on page eight of the staff report. With that, I stand for any questions you have for staff.

Chair Shafer: Thank you, Ms. Hayhow. Do we have any questions from the Zoning Board?

[None]

Chair Shafer: Okay, thank you. I don't know if the applicant is present, but they are allowed to do a presentation if they would like.

*Zane Beldon, Heartland Family Farms, appeared before the Zoning Board via Zoom, and made the following comments:*

Mr. Beldon: I think Pam presented it well. I don't know of any additions, Pam, that you would like me to make. I could go down the list of recommendations and give an update on status of those items, but I don't necessarily have anything to add.

Chair Shafer: Okay, thank you. Do any members of the Board have questions for the applicant?

[None]

Chair Shafer: Okay, thank you. Do we have any public present that would like to make comments?

Ms. Davis: We have one person present, but they have not raised their hand, and they did not sign up previously to talk.

Chair Shafer: Okay, just let me know if they raise their hand here in the next few seconds, and we can get them on. They have that right to speak, three minutes or less per individual.

Mr. Pendley: It looks like they're not raising their hand, so it appears that nobody is requesting to speak at this time.

Chair Shafer: Okay, if there are no further questions by the Zoning Board of staff or applicant or the public, we'll close the public comment portion. Do we have any discussion of the application by the Zoning Board? I personally don't have any questions on it.

[None]

Chair Shafer: Okay, with that being said, do we have a recommendation by the Zoning Board? We have a motion that's on page nine, if somebody would like to make that recommended motion.

*Motion by Ms. Atwell, seconded by Mr. Cooper, for approval of application SW 21-116-PP/FP(MC), a Preliminary and Final Plat for a 5-lot residential subdivision to be known as Heartland Family Subdivision, for the reasons, and subject to the stipulations, recommended by staff.*

*Motion passed unanimously.*

Chair Shafer: When will this go in front of the Board?

Ms. Hayhow: This will go to the Board of County Commissioners on June 3<sup>rd</sup> at 9:30 in the morning, Third Floor of the Administration Building. That should be an in-person meeting. However, that is subject to change, so we would recommend that anybody that's interested in following this applicant check the Board of County Commissioners website about a week ahead of the meeting.

Mr. Pendley: I believe the date is actually April 29<sup>th</sup> that this would be scheduled for BOCC action.

Ms. Hayhow: I'm sorry. I jumped ahead a date. Yes, April 29<sup>th</sup>.

Mr. Pendley: As Pam indicated – we'll talk about this in a minute, about future meetings – this is a possibility that it could be an in-person meeting, so we would encourage anyone that's interested to check the County website, the BOCC website, for any updates on the meeting. It could either be a Zoom meeting as they are meeting currently, or it may be an in-person at the County Admin Building.

Chair Shafer: Okay, thank you.

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

Chair Shafer: Would you like to speak on that item now?

Mr. Pendley: Yes. I did want to make a note that we are anticipating a possibility of moving back to in-person meetings sometime this summer. This is actually going to be up for discussion on the Board of County Commissioners meeting for their meetings, whether to resume public meetings next month.

That's going to be up for discussion and also a discussion regarding the public mask mandate and the policies for public masks in meeting places. That will be on for discussion. We also anticipate they will address public meetings. We will keep an eye on that. If there's any change to that policy as to whether or not the Board begins resuming meetings in person in April, we would then consider, if that's the case, there may be a possibility of resuming the Zoning Board meetings in person in May. We'll keep an eye on that and monitor that. We wanted to let everyone know about that possibility.

If we do move back to an in-person meeting, we would have it here at the County Administration Building, and we would have limits similar to what we had for the hybrid meeting, the public meeting we had last year, where we had a meeting in person. There would be limits to the number of attendees in the room, and we may have to have applicants take one turn at a time if we have multiple cases. We will let everyone know about that. We just wanted to share that possibility of resuming public meetings this summer. For next month we do have an applicant that's scheduled for the meeting in April. That will be on Zoom, so we'll continue that for at least the next month. We'll have an update for sure by that meeting about the possibility of an in-person meeting. Since we don't really have control of other meeting places, like we've met previously at the Gardner Senior Center, we would have to have any in-person meetings here at the County Admin Building, since we have control of that, but that's still a discussion, I know, as to the location of these meetings. We're trying to keep it as convenient as possible, but also having technical resources and the ability to control that that's present here. We just wanted to mention that to the Board and see if there are any questions or comments or concerns about in-person meeting.

Ms. Atwell: Basically, I'm kind of fine with the Zoom, because it makes it convenient. I don't have to get out of my house. We don't have to drive into town. Literally, you don't have to limit who joins, because everybody can get on.

Mr. Pendley: That is certainly an issue that is certainly up for discussion, and we wanted to get the Board's general comments or feelings about it, because I know we've heard the same from the Southeast Zoning Board. That's a pretty far drive for some people in the Stilwell area. Because we can't meet right now where we were meeting there, in the Fire Station No. 2 building. We can't meet there currently because the room is too small. There may be changes, just in general, of where we can have these meetings. It's certainly a discussion that we would want to have. A decision would have to be made ongoing for the future when we do resume in-person meetings, but certainly we know it's a concern. We'd still have to follow all the policies and procedures for limiting the number of people, following social distancing. So, good to know, and that's good to hear from the Board members how they feel about the possibility of in-person meetings.

Ms. Atwell: I'm not afraid to meet in person. It's just really convenient not to have to, for people getting off work, hang around town for an hour or hour-and-a-half. To me, the Zoom is pretty convenient, as long as I've got internet service.

Chair Shafer: I agree with what Teri said. It's just more convenient.

Mr. Pendley: Yeah, so do we understand that? One other thing I would note, too, it was an interesting exercise, or a case study, of a meeting we had last month with the Southeast Consolidated Zoning Board. We had a number of applications. It was quite challenging. That may have been the worst case scenario. I think we originally were scheduled to have eight public hearings. We got it narrowed down to, I think it was six cases. It was a challenge; I will tell you. That's probably, again, worst case scenario. I don't think we've ever quite had that busy of an agenda on the Southwest Board, but that's another thing to consider, too. We can have difficulties with technology, but certainly we understand the convenience of it. We don't disagree. For staff, in some ways it works great, too, for us, to be able to do this from our own computers. We have control of it and don't have to transfer everything to a different meeting place. But good comments. Good to know. Certainly, we will share any updates following the Board of County Commissioners meeting tomorrow, and let everyone know what the County's policy is, and any changes to that.

Ms. Atwell: Okay. Thank you.

**VII. NEW BUSINESS**

Chair Shafer: I just want to go over some vacancies that we do have on the Board. I do know that Commissioner Allenbrand is aware of those, and believe she is working on them. I did talk to Dustin Calvin today. He said that he is no longer going to be able to be a member. He sold his house, so he is going to be living outside of this jurisdiction, actually outside of the county, so he's not going to be eligible.

Ms. Atwell: I don't know. I think I've made this comment the last two meetings, but I forwarded right after Commissioner Allenbrand got into office, two people that are McCamish Township that want to join the Board. She is in the process, I believe, of working through those. One of them is Gary Rankin, and the other one is Becky Barton. One lives off of Four Corners, and one lives off of 167<sup>th</sup>. Eventually, with Dustin gone, we're going to have to, David, find somebody from Gardner Township. If anybody knows anybody that's interested, do what I did. Just send Shirley an email. Get those over to her with their contact information. She's in the process, she's contacted, I believe, both Becky and Gary, so hopefully maybe next month we'll have two new Board members from there..

Chair Shafer: Very good. Thank you.

Mr. Pendley: Mr. Chairman, I just wanted to note, too, I also talked with Jay Leipzig today and also confirmed that he talked to Commission Shirley Allenbrand. She is working on filling the vacancies for the two Board members we have currently. So, they're working on that vacancy now. Hopefully, we'll have an update by the next meeting. We'll also share with the County Manager's Office and the County Clerk the pending vacancy for Dustin Calvin's position. We'll note that as well, so we can make plans for filling an upcoming vacancy for that, too.

Chair Shafer: Okay, thank you.

**VIII. OTHER BUSINESS**

Vice Chair Hutchins: Is there any other busines? [None]

**IX. OLD BUSINESS [None]**

Chair Shafer: Do we have any old business to discuss. [None]

**X. ADJOURNMENT**

Chair Shafer: Do I have a motion for adjournment?

*Motion by Vice Chair Hutchins, [no second], 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 6:57 p.m. declared the meeting to be *Adjourned*.

\_\_\_\_\_  
Darren Shafer, Chairman

ATTEST:

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Secretary to the Board