

# **SOUTHWEST CONSOLIDATED ZONING BOARD**

Zoom Webinar

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## **MINUTES**

**Wednesday, April 28, 2021**

**6:33 p.m.**

### **I. CALL TO ORDER**

A regular meeting of the Southwest Consolidated Zoning Board of Johnson County, Kansas, was convened at 6:33 p.m. on Wednesday, April 28, 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, and Jason Cooper. Dustin Calvin and David Wolf were absent. Also in attendance were Jay Leipzig, Sean Pendley, Pamela Hayhow, Diane Wicklund and Leslie Davis, Johnson County Planning Department.

Chair Shafer: We'll go ahead and get this meeting started. Today is April 28 2021. I'm Darren Shafer Chairman of the Southwest Consolidated Zoning Board. We do have a quorum this evening. Prior to starting, I do have a virtual meeting statement to read:

*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.*

### **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. Cooper, seconded by Mr. DeGrande, to approve the minutes from the March 24, 2021, Zoning Board meeting. Motion passed unanimously.*

### **IV. BOARD REPORTS**

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

Ms. Hayhow: When this Board met last in March you recommended approval of a preliminary and final plat for five residential lots on the southeast corner of 167<sup>th</sup> and Four Corners Road, to be known as the Heartland Family Subdivision. That application goes to the BOCC tomorrow for a decision, so we'll need to update you at your next meeting.

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

Mr. Pendley: I don't know if Randy is available to speak, but I could just mention, we did have a Planning Commission meeting last night. Staff gave an initial presentation, and the consultant with the Berkley Group gave an update on the utility-scale solar facilities, updates to the Comprehensive Plan and Zoning Regulations. We had a presentation for some draft development standards and basic parameters for what the new regulations would consist of for permitting and development standards. We also did have a speaker, a representative from NextEra, a private utility provider for a solar energy facility also spoke with some comments and we had a couple other speakers who requested to speak. We had good initial presentation and discussion. We will be returning to the next Planning Commission meeting in May and then hope to at some point this summer in June or July have some draft regulations for public hearing and adoption. That was the Planning Commission actions for this month.

Chair Shafer: Very good. Thank you.

## **BUSINESS BEFORE THE BOARD**

### **A. Application Nos. SW 21-120-CUP (GA) –Conditional Use Permit- 195 Overland Park Place**

Michael V. Gentry, applicant, Johnson County, landowner, requesting a Conditional Use Permit to allow an automotive restoration business (M&M Classics), on property zoned PEC3, Planned Light Industrial Park District, on 0.6 acres, in Section 18, Township 14, Range 23.

Chair Shafer: Do we have a presentation by Planning staff?

Ms. Wicklund: Yes. I'm going to be doing that application. I'm going to show you some graphics. I would enter in the staff report dated April 21, 2021, into the record. This is a conditional use permit request for an auto restoration and repair shop on the subject property. The applicant, Mike Gentry, owns the M&M Classics business, which specializes in auto restoration and auto repair. The subject property is located out at the New Century Air Center. It's located inside this existing warehouse industrial building out at the New Century Air Center, so it's just leased space inside the building. This gives you an aerial view of the surrounding area. The subject property is where that blue box and the red circle is. This picture here that you can see is a pretty good graphic. This is the existing building. It goes back pretty far, but this business, M&M Classics, is located inside this building, in the back part of the building.

The business has one owner and one full time employee. They restore older vehicles, mainly for the owner's personal collection. They also do provide restoration and repair work for a small, select group of customers. They outsource certain work off-site, in terms of vehicle painting, exhaust work and major mechanical repair activities. Onsite, the business replaces interior parts, does light mechanical work and cleaning and polishing paint. They typically have two to three customer vehicles at a time, and those cars can remain at the shop for three or four months at a time while they're being worked on. The owner also has additional cars, which is his personal collection, that are parked also inside the building. All vehicles are located inside the space in the building or in the covered area between the two buildings. There's no activity of repair or restoration work that's done outside, no storage of cars or vehicles outside. Obviously, it's not visible from the street, because everything occurs inside the building. Their hours of operation are 7:00 a.m. to 4:30 p.m. Monday through Friday. Let me just show you a couple more pictures here of what the space looks like inside the building. It's just a big open area. You can see several of the vehicles here. Here's a different direction in the shop showing some more vehicles. Again, just another perspective inside the building. I just wanted to share that with you, and then there's the site plan, which is what I showed before.

In terms of infrastructure requirements, the infrastructure that's out at the Air Center is adequate to support this use. I also just want to mention that the owner has already received a building permit for some work done. It also meets all fire code requirements, and he has also already completed his permitting and forms that he needed to with Johnson County Wastewater. He has already done all of that work. Everything is approved and permitted, so we definitely appreciate that.

In terms of the Golden Criteria, I can sum that up fairly shortly. This is located at the New Century Air Center. It's inside an industrial park, so this use is pretty well-suited for the area. There are other businesses inside this building, manufacturing and light industrial uses are allowed, so this use will be compatible and probably less intense than some of the uses that are surrounding it now, simply because it is located in the industrial park. Staff feels like this will blend in and be compatible with the industrial zoning and industrial uses that are already occurring nearby. With that, staff is recommending approval of the Conditional Use Permit. There are some stipulations on page 10, one of which is the term. Staff is recommending a five-year term. We worked with the applicant on that. I think he has a five-year lease, so we decided it made sense to match up the term of the Conditional Use Permit with his lease, and then if either gets extended into the future, then he could just come back and renew it. Other than that, there aren't any atypical stipulations, so with that, I'll stop. If you have questions, I can answer those. Mike Gentry is the business owner. I'm assuming he's on the line. He can answer your questions, too. Thank you.

Chair Shafer: Thank you, Ms. Wicklund. Do any board members have any questions for staff?

Ms. Atwell: None.

Chair Shafer: None noted. The applicant can present right now. You have ten minutes or less, or you can just agree with what's already been presented.

*Michael Gentry, [no address given], appeared before the Zoning Board via Zoom, and made the following comments:*

Mr. Gentry: I agree with what Diane said. It's been a pleasure working with the office and Sean and Diane. Everything has been worked out really good. This is a great space for us at our business. It blends in really well. We've spent a lot of time with Aaron Otto. Here's come over a couple times and checked us out and made sure that we fit well within his park. I do think it's funny that it's his park. We fit in well, and it is fun to be out there. It's really a beautiful park, and we're happy to be there, and hopefully we can make this happen. Thank you.

Chair Shafer: Mr. Gentry, I guess the only question I have, I see the planning staff does recommend approval and some of the conditions here – outside activity, no outdoor storage. So, it sounds like you only have three or four cars at a time you're working, so that shouldn't be an issue at all, correct?

Mr. Gentry: That is correct.

Chair Shafer: Any other members have questions for Mr. Gentry? [none] Do we have anybody from the public who would like to speak? I don't believe we have anybody.

Ms. Davis: No, we didn't have anybody sign up prior to this evening, and there are no hands up, sir.

Chair Shafer: Okay, very good. Thank you. Does the Board want to have any discussion, or would somebody like to make a motion? The proposed motion is on page 11 if there's no discussion.

*Motion by Ms. Atwell, seconded by Mr. Hutchins, to approve Application No. SW 21-120-CUP (GA), for a Conditional Use Permit for an auto repair and restoration shop, known as M&M Classics, for the reasons and stipulations recommended by Staff and set forth in the Staff Report.*

*Motion passed unanimously.*

Chair Shafer: Motion passes. Do we have a date for BOCC?

Ms. Wicklund: Yes. This item will go to the Board of County Commissioners on May 27<sup>th</sup> at 9:30 a.m. at the Johnson County Administration Building, 111 South Cherry. Those meetings are now in-person, but for now I think they are also having a Zoom option, so if anybody is interested, they can check as it gets closer to that date.

Chair Shafer: Thank you, and thank you, Mr. Gentry. You have a good evening.

**B. Application No. SW 21-121-FDP (GA) –Final Development Plan –Northeast of Leawood and Highland Drives–New Century Air Center**

John Hinman, Nexus 5 Group, applicant, Johnson County, landowner, requesting a Final Development Plan for a hangar, taxi-way, parking lot and fuel cell, on 1.8 acres, on property zoned PEC-3, Planned Research, Development and Light Industrial Park District, in Section 18, Township 14, Range 23.

Chair Shafer: Staff presentation?

Ms. Hayhow: I'd like to enter the memorandum dated April 21<sup>st</sup> into the record and just give a very brief summary. The subject property is a 1.8-acre leased parcel in New Century Air Center. It's located east of New Century Parkway and just north of the intersection of Leawood and Highland Drive. The applicant would like to construct a new airplane hangar for personal use. Here's an aerial view. You can see New Century Parkway on the left and Taxiway A on the right. Here is the site plan. The proposed hangar would be 80 feet deep by 170 feet wide, or contain 13,600 square feet, with an overall height of 33 feet. There would be a 98-foot deep by 170-foot wide paved area on the east, the rear side of the building, for exterior airplane parking and maneuvering area. There is a fuel storage tank located in the southeast corner of that paved area. They would also construct a new taxiway to connect with Taxiway A.

Here's the floorplan. The hangar would contain two bays. They are identical. Each bay would have an entry office area, restrooms, a mechanical room, and then room for the airplane parking. The building would be fire sprinkled, and a fire hydrant would be installed near the southwest corner of the lease area. These are the building elevations. There would be two large overhead doors. The top elevation is the east elevation. It's the one that faces the taxiway. It has the two large overhead doors for the airplanes. The center elevation is the elevations that would be facing Highland Drive. They've got a row of clerestory windows near the top, four pedestrian doors, and then two smaller overhead doors. The side elevations are on the bottom. No windows or openings on those. The building would consist entirely of metal panels, and that is consistent with hangar design out at New Century Air Center, especially when it's not visible from the New Century Parkway.

Those are the highlights of the staff report. The proposed hangar is in full compliance with the conditions of the Air Center's preliminary development plan, and staff is recommending approval with the stipulations contained on page four of the memorandum. With that, I conclude my presentation, and I'd be happy to answer any questions you have for me.

Chair Shafer: Do any board members have any questions for Ms. Hayhow?

Ms. Atwell: None.

Chair Shafer: Okay, none noted. Is an applicant present?

Ms. Davis: Yes. I have three people – Brian Weber, John Hinman and Matt Schlicht.

*John Hinman, [no address given], appeared before the Zoning Board via Zoom, and made the following comments:*

Mr. Hinman: I am the managing director of Nexus Five Group. We are the general contractor for this building. This building is very similar to an existing airplane hangar that's on the south side of Leawood. We're actually kind of copycatting that exact same design, just to make sure we're keeping consistent

with some of the newest airplane hangars that are out there on that site. Again, we're excited to get this moving. It should be a pretty simple project. I'm not sure what questions you guys might have for us.

Chair Shafer: Does anybody have any questions for the applicant?

Ms. Atwell: I don't.

Chair Shafer: Does somebody want to make a motion?

*Motion by Ms. Atwell, seconded by Mr. Cooper, to approve Application No. SW-21-121-FDP (MC) Final Development Plan for the Harris/Altendorf Hangar, Northeast of Leawood and Highland Drive in the New Century Air Center, subject to the stipulations set forth in the staff report.*

*Motion passed unanimously.*

Chair Shafer: Do we have a date?

Ms. Hayhow: Yes. This application will also be on the May 27<sup>th</sup> Board of County Commissioners agenda, at 9:30 I the morning at the Johnson County Administration Building at 111 South Cherry. Like Diane said, the meetings are both in-person and hybrid right now, so you can use Zoom as well. That may change, so you'll need to check the Board of County Commissioners website as it gets closer in.

Ms. Davis: Could I just add, let the record reflect that we did not have anybody here from the public here to speak. I think we forgot to say that, but we didn't have anybody, so no worries.

Chair Shafer: Okay, thank you.

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

Mr. Hutchins: I don't know if Jay is on, but Jay did announce yesterday that he and Penny, the County Manager, have been working with the Mayors of the City of Gardner and Edgerton. They are trying to work out some of the logistics for the community. I thought that was a very positive step forward that the County is taking the initiative to try to pull the two cities together and hopefully make more sense of the situation we've got out there now.

Chair Shafer: Yes, very good. Thank you for sharing that information. Hopefully, they'll be successful.

Mr. Leipzig: Mr. Chair, I'd be happy to elaborate just a bit more. Yeah, we are working with the City of Edgerton and Gardner to develop a scope for a revised Southwest Area Plan Study that will include and basically coordinate the land uses between those cities in that area, as well as working with the City of Olathe and representatives from the City of Spring Hill as well. We're still revising the draft scope, but the meetings so far have been very productive, and as that develops we'll certainly keep you informed. It's going to be quite an endeavor, but we're pretty excited about it. Brian Pietig from Public Works is also involved in the development of the scope, and then Sean Pendley has been involved with that as well. We'll keep you apprised as that progresses.

Chair Shafer: Very good. Thank you.

## **VII. NEW BUSINESS**

## **VIII. OTHER BUSINESS**

## **IX. OLD BUSINESS [None]**

Chair Shafer: The only old business, if anybody missed, I know Commissioner Allenbrand is looking for replacements. Have you guys gotten a notice from Dustin Calvin since he moved from the area?

Mr. Pendley: Yes. We did receive an official resignation from Dustin Calvin. I forwarded that on to Commissioner Allenbrand as well. Currently, as you mentioned, there are three vacancies. Commissioner Allenbrand is aware of that, and she is looking at leads for replacement for all three positions.

Ms. Atwell: Do we know when she's going to make a decision?

Mr. Pendley: I talked with her this morning. It's not a matter of a decision. She has identified, she has leads on at least three different candidates. She did indicate that so far she is just having difficulty getting responses and confirmation for or agreement to serve on the board. So, it's not a matter of deciding on anyone. It's just a matter of getting commitments. But still looking at additional options.

Ms. Atwell: I guess I don't understand, because the two people I sent her in January keep messaging me asking, "What's going on? We haven't heard from here. Why is this taking so long?" Just my past experience being on this Board for over ten years, I've never seen it take this long.

Mr. Pendley: I don't know the status of that particular...I'm not sure.

Mr. Leipzig: I'll just say, I talked with her as well today about that, this afternoon, and I know she is actively working on it. We reiterated just today that you've got three openings on this Board, and she's going to get it filled very soon. Yeah, it's become kind of a critical issue at this point.

Ms. Atwell: Absolutely. That's why as soon as we knew there were openings in January, that stuff got sent. It still has to go through the process of her bringing it to the Board of County Commissioners and the County Commissioners voting on it, so I don't...I know the two people that I sent, they sent letters in, so I don't understand what the holdup is.

Mr. Leipzig: I know we forwarded all of that information to her. I know that the other commissions are also filling their vacancies too, trying to, so they're working on it. I can't guarantee, but I know that by our next meeting, I know she was very urgently trying to get them filled.

Ms. Atwell: If there's a problem, Jay...There's obviously some miscommunication going on, because I'm in constant communication with Becky Barton and Gary Rankin, and they're both totally onboard. The sent in letters and requested to be added, so I don't understand. I just don't get it. So, with me having issues tonight that put everybody in jeopardy about this meeting maybe not even going to go, so...

Mr. Leipzig: I understand.

Ms. Atwell: We need it done. It shouldn't take three months to get it done, and now going on four. Sorry.

Mr. Leipzig: No, I understand.

Chair Shafer: Just to share information, Commissioner Allenbrand did reach out to me and was asking me questions about one of the applicants. She did leave her number, so I'm more than happy to reach out to her, too, to maybe speed the process along.

Ms. Atwell: That would be awesome, Darren, if you could do that. Because then we still have two more openings.

Chair Shafer: Yeah, it gets kind of scary, especially when you don't want to push these off anymore just because we can't have a quorum, so that's very important.

Ms. Atwell: Yes, it is.

Chair Shafer: Do we have any other old business?

Ms. Hayhow: I guess mine might be old business. I'm retiring, so this will be my last meeting with you guys. I'm retiring at the end of the month.

Chair Shafer: Well, good for you, Pam. Congratulations.

Ms. Hayhow: It's been a pleasure working with you guys. It really has.

Chair Shafer: Yeah. We've enjoyed it, too. I'm kind of jealous, though.

Mr. Pendley: We were hoping to get maybe one more meeting out of Pam, but we didn't want to drag her out for another application she won't be able to see to the end, so this would I guess be her final farewell for this zoning board. We've really appreciated having Pam. I've only had the opportunity recently to work with her for the last year-and-a-half since I've been here at the County, but I can tell you, in my previous life working with the City of Olathe, I also had the opportunity to work with Pamela. She's been excellent in both places. I can tell you how much appreciated she is. She'll be a tough void in our department to replace, and we're certainly going to miss here, and we wish her the best for her retirement.

Chair Shafer: Yes, well thank you so much, Pamela, and congratulations again.

Ms. Hayhow: Thank you. Any other retirements do we have, or any other business?

Mr. Pendley: Hopefully not.

Mr. Leipzig: Mr. Chairman, we're all jealous.

Chair Shafer: I hear you.

**X. ADJOURNMENT**

Chair Shafer: Do I have a motion for adjournment?

*Motion by Ms. Atwell, Mr. Hutchins, 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*.