

SOUTHWEST CONSOLIDATED ZONING BOARD

Zoom Webinar

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

MINUTES

Wednesday, May 26, 2021

6:32 p.m.

I. CALL TO ORDER

A regular meeting of the Southwest Consolidated Zoning Board of Johnson County, Kansas, was convened at 6:32 p.m. on Wednesday, May 26, 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. David Wolf was absent. Also in attendance were Sean Pendley, Leslie Davis, and Michelle Leininger, Johnson County Planning Department; and Anoush Fardipour, County Building Official.

Chair Shafer: Good evening. Today is May 26, 2021. It looks like we do have a quorum. I do have a virtual meeting statement to read before proceeding.

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 your 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. Hutchins, seconded by Mr. Cooper, to approve the minutes from the April 28, 2021, Zoning Board meeting. Motion passed unanimously.

IV. BOARD REPORTS

Chair Shafer: Board of County Commissioners actions?

Mr. Pendley: I would just note that at the last Zoning Board meeting on April 28th, you heard two cases before this Board, a Conditional Use Permit at 195 Overland Park Place at New Century AirCenter for M & M Classics, an auto restoration use. That was recommended for approval by this Board. That is scheduled for the Board of County Commissioners meeting for tomorrow. There was also a final development plan for a new hangar at New Century AirCenter, and that was also recommended for approval and is scheduled for final approval at the Board of County Commissioners meeting tomorrow.

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

Mr. Pendley: There is no Planning Commission meeting this month, in May, but at the next meeting on June 22nd, we will return to Planning Commission draft regulations for utility-scale solar facilities, so we'll have draft regulations for the zoning requirements for utility-scale solar and also updates to the Comprehensive Plan regarding those uses. That will be scheduled for June 22nd.

Chair Shafer: Very good, thank you.

V. BUSINESS BEFORE THE BOARD

A. Application No. SW 21-124-PP/FP (MC) – Preliminary and Final Plat - 37975 W, 183rd Street
Strick & Co., Inc., applicant, and John D. Stephens, Trustee, landowner, requesting a Preliminary and Final Plat for 4 residential lots (Stephens Family Addition), on 64.4 acres, on property zoned RUR, Rural District, in Section 36, Township 14, Range 21.

Chair Shafer: Do we have staff to do a presentation?

Ms. Leininger: This application is for a Preliminary and Final for Stephens Family Addition. It's located at the southwest corner of the intersection of W 185th Street and Edgerton Road. This is an aerial that shows the general area of the property, which is outlined in blue. It's just north of Edgerton. This is a closer aerial where you can see the immediate area, which is all zoned RUR. The subject property contains approximately 61.8 acres and is proposed to be platted into four lots, ranging from 9.99 acres to 23.43 acres. This aerial shows the approximately locations of the proposed lot lines, along with the flood plain, which is pretty significant through the west side of the property. Currently there is one single family house and some accessory structures on the parcel itself. Those will all be contained within proposed Lot 2.

The subdivision meets all the minimum requirements for infrastructure, with the exception for the necessary addition of a fire hydrant to the existing water line on the north side of W 183rd Street. This is in order to meet building code standards for distance of hydrants to the property line. You'll see that this is a stipulation for approval at the end of the staff report. Speaking of the staff report, there is one correction. It states that 183rd Street is 24 feet wide. This is a slight typo. According to the Public Works Department, the street varies from 20 to 24 feet wide, but this width meets the minimum infrastructure requirements for this plat. Staff recommends approval with stipulations for both the Preliminary and Final Plat. I can answer any questions.

Chair Shafer: Thank you. Any board members have questions for staff?

Ms. Atwell: None.

Chair Shafer: Okay, none noted. Is there an applicant present that would like to speak on this? If so, you may speak, or you may just agree with Planning staff. It's up to you. You have ten minutes or less.

[None]

Chair Shafer: Is there any public wishing to speak, Leslie?

Ms. Davis: Nobody with their hands up, sir.

Chair Shafer: Okay, members of the Board, are there any further questions of staff, or would somebody like to make a recommendation or have discussion? I don't have anything to add to this one.

Mr. DeGrande: No, I'm good with it.

Ms. Atwell: Make the motion, John.

Motion by Mr. DeGrande, seconded by Mr. Cooper, to approve Application No. SW 21-124-PP/FP (MC) Preliminary and Final Plat for four residential lots to be known as Stephens Family Addition for the reasons and stipulations recommended by staff in the staff report.

Motion passes, 5-0.

Chair Shafer: Do we have a date for this?

Ms. Leininger: This item will go to the Board of County Commissioners at their July 27th meeting at 9:30 a.m. in the Hearing Room at 111 S Cherry Street in Olathe. The meeting is anticipated to be both in person and by Zoom, but please check the County's website the week of the meeting for the most up-to-date information.

Mr. Pendley: I believe, Michelle, the date is July 1st for the BOCC meeting, because that's just over a month.

Ms. Leininger: I apologize, July 1st.

Chair Shafer: Okay, July 1st, as noted. Thank you.

B. Application No. SW 21-125-CUP (GA) – Conditional Use Permit Renewal – 409 Mission Parkway

Crown Castle, applicant, and Johnson County, Kansas, landowner, requesting a Conditional Use Permit Renewal for a communication tower, (**Crown Castle Communication Tower**) on 2.1 acres, on property zoned PEC3, Planned Light Industrial Park District, in Section 18, Township 14, Range 23.

Chair Shafer: Staff presentation?

Ms. Leininger: This is an application for renewal of a Conditional Use Permit for a communication tower located on the west side of New Century AirCenter. It is just east of Moonlight Road and south of 159th Street. This aerial shows the general location. The parent parcel is outlined in blue and then the lease area is the square that shows up as red. All of the area east of Moonlight is part of the New Century Industrial Park, so that is all zoned for industrial. The majority of the property west of Moonlight is within the city of Gardner, with the exception of three parcels. The majority of that area is zoned for a mix of residential, and there is some commercial. Here are some pictures of tower from each side and an aerial showing what it looks like, generally, from the top. The parent parcel contains approximately 70 acres. The lease area is 90,000 square feet.

The site was developed with an approved CUP in 1996 for the tower and accessory equipment. This CUP had a 25-year term. All of the stipulations of the existing CUP have been met. No conflicts or complaints have occurred regarding the tower since construction. The proposed renewal shows no changes from the previous approval. It meets the standards outlined in the Regulations for a communication tower. The current Regulations suggest a ten-year timeframe for a CUP renewal. However, staff does support the requested 25-year timeframe because the area is proposed to remain industrial in character and there have been no issues with the existing site or facilities. Staff does recommend approval with stipulations for a Conditional Use Permit for a 150-foot communication tower and associated equipment for a 25-year term. I can answer any questions.

Chair Shafer: Board members, do you have any questions for Planning staff?

Ms. Atwell: None.

Chair Shafer: None noted. So, with this being on New Century, do we have any other citizens present that would like to speak to it, or not?

Mr. Pendley: I believe the applicant is available. I'm not aware if anyone from the public is requesting to speak, but we do have the applicant.

Chair Shafer: Mr. Richards, you are able to speak if you would like, or you can just agree with what Planning staff has presented this evening.

Tyler Richards, Crown Castle, 1220 Augusta Dr., Suite 500, Houston, Texas, appeared before the Zoning Board via Zoom, and made the following comments:

Mr. Richards: Good evening. Thank you for the opportunity to speak concerning the renewal of our CUP. I am an Urban Planner with Crown Castle, based out of our Houston, Texas office. I agree with the staff recommendation. I am happy to answer any questions that the Board may have.

Chair Shafer: I don't have any questions. Does any other Board member have any questions for Mr. Richards? None noted. Thank you, Mr. Richards. Mr. Pendley, you said we do not have anybody from the public, right?

Mr. Pendley: Not that I'm aware. We don't see anybody's hands raised, and we were not aware of anyone requesting to speak? Leslie, do you see anyone?

Ms. Davis: Correct.

Mr. Pendley: Okay, nobody has requested to speak.

Chair Shafer: Board members, do you have any further questions for the staff or applicant? None noted. We're going to close the public comments. Any discussion, or did somebody want to make a motion? I don't have any questions on this one.

Ms. Atwell: No questions for me. I can make the motion.

Motion by Ms. Atwell, seconded by Mr. Cooper, to approve Application No. SW 21-125-CUP (GA) Conditional Use Permit Renewal at 409 Mission Parkway, with stipulations listed by staff, for a period of 25 years.

The motion passes, 5-0.

Chair Shafer: Can we get a date, please, for BOCC?

Ms. Leininger: This will go to the County for action at their July 1st meeting at 9:30 a.m. in the Hearing Room at 111 S Cherry Street in Olathe. Make sure that you check the County's website the week of the meeting to note whether it is in-person and/or by Zoom.

Chair Shafer: Very good. Thank you.

VI. BUSINESS FROM THE FLOOR [None]

VII. NEW BUSINESS

Mr. Pendley: I wanted to ask the Board members again their comments or thoughts on returning to in-person meetings. As you may know, the Board of County Commissioners has returned to in-person meetings. They do have the option for a hybrid, essentially, where applicants have the opportunity to attend virtually on

Zoom or in person. One other zoning board, the Southeast Zoning Board, we anticipate returning to in-person meetings in July. We have four new applications that were submitted for that agenda. So, we're expecting to start back in person in July. We wanted to see about the option for that with the other two Boards. I know we had asked this in the past. Working on Zoom has been working for this Board, but I wanted to get any thoughts on that as far as return to in-person meetings.

We have been looking at the locations. We wanted to keep it, if possible, in Gardner, as we had before. At this time, we're checking on the Gardner Senior Center. That, again, would be somewhat limited in size if we were to get an application where we needed enough seating, but hopefully that will be available. If not, we're also looking at options possibly at New Century AirCenter, the vacant building for the former CenturyLink building. That has a room that will be available, but there may be some limitations on service and availability, and that's a very short-term option. There are some options. The other option, of course, is here at the County Administration Building in Olathe. We have everything set up for the Board. Depending in need, we have plexiglass dividers, and space. We also have the technology and availability there. If, for whatever reason, we were to have a large applicant, we've got additional space in the atrium and the PA system that would allow for audio. We wanted to get the Board's questions on return to in-person meetings or Zoom. Any thoughts on that?

Mr. Hutchins: Personally, I think this has worked very well. I know it's saved me a lot of time and travel, just from this perspective. I know from years past, there's been a lot of discussion. It's been very stressful for staff to try to coordinate and make multiple meetings during the week, to be away from the office, as well as family time. I think, in general, unless there is a special request from members of the community – I understand that in special circumstances that we need to be open and aware and make meetings present when necessary – but until then, I think this is a very efficient process, and I recommend we continue forward just as we are.

Ms. Atwell: Randy, I totally agree with you. Doing them on Zoom has been very convenient. In all honesty, there's probably a couple of meetings – one being tonight – that there's no way I could have made it, and since we're down three members, this meeting probably wouldn't have taken place. Again, we serve the citizens in our district free of charge. I don't like taking meetings out of our immediate area. If we're going to go back to in-person, if we're going to be forced to do that, I do not want them at the Board of County Commissioners office. It's too far for us to go. It's inconvenient, and we have members that get off work at 5:00 in Olathe who have to try to come all the way home and then return and go all the way back. I'm just not in favor of that. If we end up having to go back in person, the Gardner Grange always worked out good. It's a big facility. I'm sure Lois would allow us to use that, but I prefer the Zoom.

Chair Shafer: I would agree with that, Sean. We talked before about that, and I'm perfectly fine with the Zoom. I think it's working out well.

Mr. DeGrande: I'll throw my two cents in and say it doesn't matter to me either way.

Mr. Cooper: I'm with John. I'm flexible either way. I don't know if you can hear my voice, but I've not been well the past couple of days. If we weren't doing Zoom, I wouldn't be there. I can do it from the privacy of my home, while I'm ill.

Mr. Pendley: We appreciate the comments. I would say, one of the things that we'll probably be weighing in the decision on whether we're able to maintain this, I think it's been working well for the most part. We have had a couple of technology issues. I don't think necessarily with this Board, but a couple others where we had some applicants drop off, and that was somewhat problematic. But that was really more of a glitch with technology, maybe just a limitation on access to computers for an applicant. For the public if there is, for whatever reason, a possible limitation for them to be able to attend, worst case scenario what would happen is that potentially it could be required to continue, to allow due process for anyone to attend the meeting. But again, I think for the most part it's worked out. The only other reason that staff would want to recommend an in-person is if we know we've got a particularly busy agenda, or if we have an applicant that may require

a large turnout. But again, there may be some limitations with where we can do that in person, too. So, we know that either way we are somewhat bound by that. We appreciate the comments. We'll consider all that. At this time, we still anticipate continuing on Zoom. I think in most cases, most all meetings, this works fine. We'll continue doing this until there's a reason to change.

Chair Shafer: Very good. Thank you. Just for information, for next month's meeting, I am going to be on vacation, so Randy, I hope you're available to chair. And I hope we have enough members. I hope we have a quorum.

Mr. Pendley: Thank you for noting that.

VIII. OTHER BUSINESS [None]

IX. OLD BUSINESS [None]

Chair Shafer: Sean, I was going to ask you, was Shirley successful in getting all of the new members onboard, or do you know? I think she had a little confusion. She called me and thought I was expired, but I don't expire until next year. So, I hope she's got it figured out.

Mr. Pendley: I hope so, too. I know Jay Leipzig had left messages for Shirley and some of the other appointees, people she was coordinating with. I don't know the status, but I do know they are working on that. We also talked with the County Clerk today and know that they are working on that. I don't know the final status of that at this time.

Ms. Atwell: Daren, apparently there were some misunderstandings. Shirley was looking at an old list, where apparently some of the members needed to be re-upped. She apparently either didn't have the current list that showed that we were three members down. She has that list now. She knows we're three down. She's going to try to get stuff pushed through in the next couple of weeks.

Chair Shafer: Okay, very good. Hopefully, she can get it done by the next meeting.

Ms. Atwell: Yeah, because I'm probably going to be...if we do it by Zoom, I might be able to be available, but I am probably going to be out of town.

Chair Shafer: Okay, very good. Any other old business? Nothing else noted. Do I have a motion to adjourn?

Motion by Ms. Atwell, seconded by 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 7:00 p.m. declared the meeting to be *Adjourned*.