

# Jefferson County Planning & Zoning Oskaloosa, Kansas

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## OFFICIAL

### OFFICIAL MINUTES OF THE JEFFERSON COUNTY PLANNING COMMISSION

#### Minutes of the Planning Commission Meeting of May 23<sup>rd</sup>, 2022

**Item 1. Call to Order**

**Item 2. Approval of the Agenda**

Secretary Scherer moved to accept the agenda as presented and Commissioner Benyshek seconded.

Votes were taken by Ayes and Nays as follows:

<b>Paul Johnson Chairman</b>	<b>Vacant - Vice Chair</b>	<b>Matt Scherer Secretary</b>	<b>Stephen Phillips</b>	<b>Tim Benyshek</b>	<b>Tiffany Asher</b>	<b>Vacant</b>
DNV	--	Aye	--	Aye	Aye	--

Motion Passed 3-0

**Item 3. Roll Call**

<b>Paul Johnson Chairman</b>	<b>Vacant - Vice Chair</b>	<b>Matt Scherer Secretary</b>	<b>Stephen Phillips</b>	<b>Tim Benyshek</b>	<b>Tiffany Asher</b>	<b>Vacant</b>
PRESENT	--	PRESENT	**PRESENT	PRESENT	PRESENT	--

**\*\* Commissioner Phillips joined after the start of the meeting, prior to the staff report.**

**Item 4. Approval of the March 28<sup>th</sup>, 2022, meeting minutes.**

Chairman Johnson asked if there were any corrections for the minutes. There were no corrections to the minutes. He then asked for a motion to approve the minutes. Commissioner Benyshek moved to approve the minutes and Commissioner Asher seconded.

Votes were taken by Ayes and Nays as follows:

<b>Paul Johnson Chairman</b>	<b>Vice Chair</b>	<b>Matt Scherer Secretary</b>	<b>Stephen Phillips</b>	<b>Tim Benyshek</b>	<b>Tiffany Asher</b>	<b>Vacant</b>
DNV	--	Aye	--	Aye	Aye	--

Motion Passed 3-0

**Item 5. Public Hearing**

Chairman Johnson explained the commission meeting procedures to the public and opened the public hearing.

- I. **CU2022-01:** A request to consider a conditional use permit for an RV and Boat Storage business. This proposal is located on the west side of Ferguson Rd between 46<sup>th</sup> and Marion Rd and is being brought by the owner of record Shyler Meier, 11400 46<sup>th</sup> St, Perry KS, 66073.

**During this time, staff asked who was here for the first case. The applicant, Shyler Meier, and his surveyor, Jess Noll with Landplan Engineering were present via Zoom. Those opponents that signed in as present for the case were Joy Neely and Rhonda Schademann. Those opponents that were present via Zoom were Jeffrey Schweda, Travis Griffin, and Cindy Ross.**

**Chairman Johnson asked staff to give their report. Staff gave their report. After their report, Chairman Johnson asked the board if they had any questions for staff.**

**Chairman Johnson:** Thanks, Dustin. And I forgot to mention before we started this case does any Commissioner have a conflict of interest with this particular case? Seeing none for the Commissioners then I will ask if Commissioners have any questions concerning the staff report. I want to say hi to Steve, for joining us. So, make record of that.

**Secretary Scherer:** Dustin, on page six of the package, which is one of the photographs, it looks like there's an entrance on the other side of Ferguson, directly opposite this the entrance proposed for this project?

**Dustin Parks (Staff):** Let me get to...I believe that's actually...let me get back to it. I believe that's actually a field entrance for this property here, across the street there.

**Secretary Scherer:** Welcome back Dustin, so we can continue our discussion of what should be conditions. Is there any point to number five? It seems to be that everything that is in condition proposed condition number five is just requirements anyway.

**Dustin Parks (Staff):** So, I added that because for one reason, and one reason only. There have been some recent cases that have come up, where if it's not a condition and regulations change that the current condition, how to word this, that the current conditional use as approved would still need a development plan amendment, because the conditional use was approved under a different set of regulations. And since we are looking at updating our Comprehensive Plan and the potential for updating our regulations shortly thereafter, I included it for that purpose.

**Chairman Johnson:** Thank you. Steve, Tiffany, Tim, do you have any questions? Well, I have a couple. So, the total property is 15.69 acres. Is that right?

**Dustin Parks (Staff):** That's correct. That's the taxable acre as shown. Yes.

**Chairman Johnson:** So how much of that is going to be for Boat/RV storage?

**Dustin Parks (Staff):** I believe, and I think the surveyor who did the survey is on our Zoom call as well, so he can correct me if I'm wrong here, but I believe that was just shy of four or five acres.

**Secretary Scherer:** 4.44 acres.

**Dustin Parks (Staff):** Yeah. Just shy of 4.5 acres.

**Chairman Johnson:** So, do you, in the proposed development plan here, intent plan, how many, four to five acres, how many boats or RVs can you put on that?

**Dustin Parks (Staff):** I believe that would kind of depend on the size of the boats and the RVs to be honest.

**Chairman Johnson:** Are we talking 100, 200?

**Dustin Parks (Staff):** Well, if you look at the development plan, they've got twenty-eight trailers, parking stalls here, twenty along Ferguson and then eight along the eastern kind of boundary there. And then if you kind of extrapolate that from the size of the buildings, you're probably looking at hundred total, but maybe more, maybe a little less, it kind of depends on the size.

**Chairman Johnson:** I mean should that be part of the development plan? Specific about what what kind of road traffic or efforts to get in and out of this property will be?

**Dustin Parks (Staff):** Taking kind of a play from Matt's book, it's kind of a slippery slope to designate how many vehicles or boats a storage lot can hold because it's A, it's hard to police and B, it's kind of counterintuitive to business operation. It'd be a little different if we were talking about an RV campground, where you have to worry about, you know, the access to services and that sort of thing. But in my opinion, I don't think we should put a limit on the number that the property can hold. Because it's very hard to police.

**Secretary Scherer:** I generally agree with you Dustin and I would point out that the applicant has provided in each of the phases, the number of parking spaces or stalls in the buildings.

**Dustin Parks (Staff):** Correct. And yes, for those, but there still could be some storage on the gravel in the gravel areas.

**Secretary Scherer:** Yeah, I'm just not sure if phase two includes that or not, I just wanted to ask the applicant that.

**Chairman Johnson:** So that is an impact traffic count on use of this property?

**Dustin Parks (Staff):** The applicant, the engineering firm actually provided a proposed traffic assessment as part of their part of their proposal. And I'll let them kind of expand on that, because they're the experts on what that means. But you can see from their proposal that over the course of 24 hours, on a weekday, they would anticipate at most sixty-three vehicles coming in and out of there, vehicle trips that's in and back out. So, like sixty-three would be total, both in and out. But again, the applicant can expand on that a little bit more. We are actually working on getting a traffic count on Ferguson Road in this area. They're kind of waiting until after Memorial Day because that skews the numbers. But not that it's going to have a bearing on this specific hearing at the moment, but the traffic counts that they provide here are based on existing data.

**Chairman Johnson:** Can you put up a map that shows where the other two existing boat storage lots are?

**Dustin Parks (Staff):** Yeah, I actually have one. We have to kind of go back a little bit...actually, I think a Google map would be better. Is that alright with you guys if I pull up a Google map for that?

**Chairman Johnson:** Whatever makes visual sense.

**Dustin Parks (Staff):** Okay, we'll do that. So currently, there is one down here at 39th and Ferguson. The proposed property is right here. Can you see it now? 39th and Ferguson is where one exists right now at the Lake Bound Corner store there. The proposed property, if I zoom out a little bit, here's Lake Bound, come up the curve, this is the proposed site, cross the bridge and 62nd and Ferguson is the other one. Now, this is also an RV park. But their conditional use permit does allow for storage, it kind of goes hand in hand with an RV park.

**Chairman Johnson:** And how large are those two existing boat storages compared to the proposed one?

**Dustin Parks (Staff):** This one here is operating under an unapproved conditional use permit. And what that means before anyone freaks out is that it was in place before conditional use permitting was a requirement for our regulations. So, they don't have any stipulations on the number. But as you can see here, if you've got twelve slots there, maybe six.

**Commissioner Benyshek:** I'm just going to comment Dustin, that lot is pretty empty in that picture compared to what I've seen it before.

**Dustin Parks (Staff):** Yes, it is. This is actually this photography was taken, I want to say earlier this year, or late last year, and but these are both RV and boat storages. This property here is an RV/ boat storage. This property here is RV/ boat storage. And actually, they are separate owner. So, I guess technically there are three RV/ boat storage locations. It's just that they one of them shares the location. And this one here, the kind of the storage area is fairly small in size. I would say probably 20-30, maybe you could fit in there. If you had some parking Tetris wizards and then the campground itself. So, does that answer your question, Paul?

**Chairman Johnson:** Well, I guess I'm wondering what the the true demand is here, and how, how full or you know, the full capacity, these existing two boat/RV storage lots are? And then my other question is, do those two existing boat storage facilities have screening either living or artificial, that is erected in a manner that obscures the entirety of the use in the view of traffic and residences around 500 feet?

**Dustin Parks (Staff):** So again, the one there on the south at 39th and Ferguson was put up prior to any regulations that specified that, so no it doesn't. And from my recollection, I don't believe the one on the north does either, but we can look right quick. We have to share my screen again. Yeah, it's, I'm going to share my screen real quick, so it's just a chain link fence as well.

**Chairman Johnson:** I guess my last question is what, so what are you using as an analysis about the need for further storage?

**Dustin Parks (Staff):** At best, I guess you could call it anecdotal evidence. Because a lot of what we've heard is there are waitlists for a lot of RV stuff right now. Excuse me one second. And the number of requests we've received for opening RV and boat storage facilities would also indicate that there is a drive or a need for it. That is operating under the assumption that the people requesting have done their market research. Now, again, this is probably a question that the applicant could answer more readily. If they've done their research on the number of RVs and boats that are looking for storage in our area. I can say that the Department of Wildlife had some numbers out recently that the parks in general in Kansas have seen a dramatic uptick in visitation and RV sales, according to the state property valuation division. RVs that are registered have also gone extremely high comparatively over the last two years. I know that's anecdotal for our area specifically, but it would indicate that there is a rising need for this.

**Chairman Johnson:** Are they doing that under \$4 a gallon?

**Dustin Parks (Staff):** That I can't tell you maybe that's why they need storage.

**Secretary Scherer:** Because COVID had everything else closed.

**Chairman Johnson:** All right. Thanks, Dustin. Any other questions by Commissioners for staff before we move on to the applicant? Okay, so let's move on to Shyler Meier or representatives for Shyler.

**Jess Noll (Landplan Engineering – Surveyor for applicant):** Mr. Chair, Jess Noll with Landplan Engineering, representative for Shyler, Shyler is also on the call too.

**Chairman Johnson:** And what's what's your address, please?

**Jess Noll (Landplan Engineering – Surveyor for applicant):** My personal address or work address?

**Chairman Johnson:** Your work address.

**Jess Noll (Landplan Engineering – Surveyor for applicant):** 1310 Wakarusa Dr., Lawrence, Kansas, Suite 100.

**Chairman Johnson:** Thank you. So, you got the stage here. Your comments on the staff report or some of the questions that have been raised?

**Jess Noll (Landplan Engineering – Surveyor for applicant):** Well, there is demand. Lake Perry Yacht Marina has added 90 additional slips. So, with 90 additional slips, that's 90 extra boats on the lake. And at the end of the lake season, they can either retain the slip for the season, on the lake, or they can pull their boats and store them. And with Lake Perry adding 90 slips. If they've added 90 slips, there's enough demand more than likely the other marinas are short on slip space. So, the folks that want to enjoy the lake are going to be short on a place to store their boat and if they happen to enjoy like Perry, then obviously, we'll need more storage. One of the other things I wanted to address is Mr. Meyer is looking at a total of 76 spaces. I do not believe that any additional spaces other than what's shown on this conditional use development plan would be feasible in order to park in the buildings in the configurations that they're in. Which is the reason we laid this out the way that we, that it is already is laid out. We've laid it out so that he has 28 stalls in phase one. If you look at the shading, so there'll be 28 spots to either park your RV and or boat in phase one. Phase two would be graveling the rest of it inside the fence. And then where you see the buildings that are phase three through six. Those would then become parking stalls. You would add 48 total parking stalls so they would all be outdoor until he went to phase three. Phase three then would be build the building, take those stalls, put them inside. Phase four would take those outside positions. Put them under a shed. Phase five, phase six and if you noticed, phase six is two buildings at once. So, you're not looking at any more than about 76 total in what he's proposing in the 4.44 acres. I think he's got a very good plan of utilizing what he has and as he fills his storage up that storage would then build his first building storage, would then build his second building and so on and so forth until he's phased out at phase six. Do you have any questions for us or me, or Mr. Meyer?

**Chairman Johnson:** Questions by Commissioners for the applicant or the applicant's representative?

**Commissioner Asher:** Tiffany Asher. Just out of curiosity, are the buildings enclosed with garage doors, are they open on all four sides? Are they more like a carport? What do they look like?

**Jess Noll (Landplan Engineering – Surveyor for applicant):** So, if you look at the conditional use development plan, there is a building footprint detail so that gives you the size of the buildings. These are fully enclosed except the front. Roof and three sides.

**Commissioner Asher:** Thank you.

**Secretary Scherer:** Mr. Noll, perhaps you're aware that some of the concern is traffic safety here, among the neighbors. Was the location of the entrance chosen primarily because he already had an entrance there or was there some other factors that went into that choice rather than moving it to the northwest?

**Jess Noll (Landplan Engineering – Surveyor for applicant):** We kept the entrance that was already in place, number one, because it was compliant. Road and Bridge had no issues with the entrance that currently exists, and in our opinion, there was viable sight distance either direction from said entrance and if you take note on the development plan, we have moved the fence in at least a 100 feet so we're not stacking any traffic on Ferguson Road.

**Secretary Scherer:** Thank you.

**Chairman Johnson:** So, the total that you're eventually, after all the phases are done is, 76 boats or RVs, is that what you said?

**Jess Noll (Landplan Engineering – Surveyor for applicant):** Yes, and the most you could have up to that 76 after the completion of phase two.

**Chairman Johnson:** So, have you done a traffic count with what's involved with moving in and out, if there are 76 slots there?

**Jess Noll (Landplan Engineering – Surveyor for applicant):** Yes. There should be a traffic study included in your packets.

**Dustin Parks (Staff):** It's page 20 and 21.

**Chairman Johnson:** Is this a weather related? Is it constant? I mean, you park a boat for a while over the winter and then you bring it out you know, and spring hits and I mean, are these standard over the various months.

**Jess Noll (Landplan Engineering – Surveyor for applicant):** I believe if you look at that traffic study, it will tell you that this was based on an average. And there are also weekday peak and weekend peak figured into this.

**Secretary Scherer:** Mr. Noll, it might help if you could tell us what the ITE document defines mini warehousing as to see how close it is to this kind of operation that we're looking at.

**Jess Noll (Landplan Engineering – Surveyor for applicant):** The same mini warehousing we did a conditional use and or site plan and traffic study for the harbor at 237 for Mr. Derek Jones, and this is a similar facility. Actually Mr. Jones's would be probably a larger facility because he actually has fully enclosed indoor storage, and a much larger facility. But we treated it in the same manner as we treated Mr. Meyers here.

**Secretary Scherer:** Thank you.

**Chairman Johnson:** Any other Commissioners have questions for the applicant or the applicant's representative?

**Commissioner Asher:** This, I don't know, maybe for them or Dustin. So just Googling because I know nothing about RV storage or boat storage. It seems a lot of RV storage have dump stations. I don't see one being proposed here. I don't know if that helps a business or not. But Dustin if they decided later that they needed that. What's the process? Do they have to get like a building permit application or?

**Dustin Parks (Staff):** So since currently, no septic is approved for the site because they haven't requested any. If they decide to do dump facilities, it's going to be a development plan amendment. So, they'll have to come back through the public hearing process.

**Commissioner Asher:** Okay, thanks.

**Jess Noll (Landplan Engineering – Surveyor for applicant):** I might, I might add Tiffany, the owner does not want an onsite dump station. He would prefer that they dump when they leave their campground, most of the Corp campgrounds have dump stations. And most when they camp dump before they store.

**Commissioner Phillips:** I have an RV and there's plenty of dump stations out at Perry Lake.

**Commissioner Asher:** Oh, okay. Like I said, I know nothing about it.

**Chairman Johnson:** Further questions by Commissioners for the applicant or the applicant's representative? Shyler Meyer, do you do you want to add anything at this point?

**Shyler Meier (Applicant):** I do not, I think Jess explained it very well. If you have any questions that I can answer them.

**Chairman Johnson:** Thank you. Well, then we'll move on to, is there anyone on the call at this point who wishes to speak in favor of the application? No. So then we'll move on to those who oppose the application. And we will start with anyone that's online. And we will ask for a name and an address before you participate.

**Dustin Parks (Staff):** If you'd like to speak just unmute yourself and ask to speak.

**Jeffrey Schweda (4896 Ferguson Rd):** Yeah, I'm here. Well, my biggest concern is, by the way, this is Jeff Schweda, 4896 Ferguson Road, just north of where that property is. I live close enough to the Slough Creek Bridge, I get all these boats already, they miss the boat ramp, and they turn around or try to turn around and they wiped out my mailbox, I can't even tell you how many times and I know coming around that curve, that driveway is faster than you think. And they're gonna miss it. And now they're gonna be looking at more spots to turn around. And nobody has ever told me when they've hit my mailbox. I actually have seen it get hit and I walk out there, and they drive off. And so that's just something I'm not

looking forward to. Now we got campers on top of boats, looking for a spot to turn around on Ferguson Road. And I know the boaters can't back like you know what, and I can't imagine the campers and that. That's all I'm saying.

**Chairman Johnson:** Thank you.

**Travis Griffin (4846 Ferguson Rd):** This is Travis, her husband. It was more of a question. But is there a reason why the storage buildings are not on the road rather than just the gravel storage for aesthetics? The buildings would look so much better than tarps blown around tarps blown off boats.

**Chairman Johnson:** I may direct that to Dustin.

**Dustin Parks (Staff):** That would be a question for the applicant. We don't we don't work with their development plan in terms of planning, we just present what they've provided.

**Travis Griffin (4846 Ferguson Rd):** Okay, next question was how far back was the fence off of the road? You may have talked about it earlier, but I may have missed it.

**Chairman Johnson:** How far is the fence off the road? Can you shed some light on that Dustin?

**Dustin Parks (Staff):** Again, that's probably a question for the applicant, I can show the development plan. But I know that the entrance gate is more than 100 feet off of the road so that they have to pull in and they've pulled the fence back over 100 feet off of that. Let me get to the development plan. And if I'm looking at this right, I don't see a measurement for how far the fence itself is off the road. So that's going to be a question for the applicant.

**Travis Griffin (4846 Ferguson Rd):** I guess the reason for asking was just to see around that when you're pulling back out onto Ferguson Road, to have enough room you know to see around those buildings or or boats and RVs.

**Jess Noll (Landplan Engineering – Surveyor for applicant):** Mr. Chair, if I may?

**Chairman Johnson:** Go ahead.

**Jess Noll (Landplan Engineering – Surveyor for applicant):** So, the current fence that you saw in the pictures is a barbed wire fence and it will be replaced with a chain link fence. From the road from the centerline of the road, I don't have my scale ruler with me at the moment. That is over 30 feet from the side or from some road and to answer Mr. Griffin's question why we did not put buildings along the road. We had to adhere to a 50-foot setback from the development plan northern boundary. And by the time we would have done that we could not have sit three buildings in along the north side and still been able to pull in and park vehicles in by the time you get a truck. Let's say you get your truck and your boat together when most of us have campers, RVs, and boats, you're you're pushing 50 feet, a 30 to 50 feet depending on what you have. And so being able to pull in here in, in due to the shape of this with Ferguson Road in the shape of the parcel was possible to get anything into the for work stalls of any building along here. So, this made more sense to us to be able to pull in and pull in a circle, and then back into your buildings.

**Travis Griffin (4846 Ferguson Rd):** I got you, I understand that I'm the one that's going to have to look at it. And that's that was my main reason for question. We're almost directly across the road. Sorry, I'm at 4846 Ferguson.

**Chairman Johnson:** Any other comments? Mr. Griffin?

**Travis Griffin (4846 Ferguson Rd):** No, I think that is it.

**Chairman Johnson:** Thank you. So, I'm assuming that our audience here will have comments on on this case at this point?

**Joy Neely (4919 Ferguson):** Joy Neely, 4919 Ferguson, I am the neighboring property to northside. I have been clearing to do a building to build a house in that area. So, I really don't want that to be my view. I bought 124 acres so that I can live in solitude and not have that. My biggest concern is the safety which I sent a letter in. So hopefully you review that

safety is my biggest concern. Like Jeff, I have a lot of people pulling into my driveway, I have a gate and they still pull up and they block my gate trying to get around on Ferguson, many times. I have been almost taken off the road trying to turn in my driveway and how to pass my driveway because people aren't paying attention coming out of that corner, and I turn my blinker well before getting to my house. People just aren't paying attention. Everybody's distracted nowadays. So that really concerns me, the safety piece is probably the biggest issue. And then I'd like to build my house there. And I'd like to not have that. On the flip side. I own Happy Joy Acres RV Park campground. So, the one just north of here about two miles. And I'll tell you right now I have 48 spots in my campground, 14 vacants, 32 occupied that are almost year-round. I don't I sometimes get somebody for a weekend or a couple of weeks just for the boating season. And then in the winter, I have eight that go home every year. So winter, I'm pretty vacant. And then it kind of revs up again in the spring and the summer. So just asking occupancy and the need for it. And then I have some concerns about the drainage of the buildings, which direction is that going? Is it flowing onto my property? And when they get those in, and then the existing North fence, there was a note in the site plan that stated that they were going to take that down. I know they're going to do chain link, but I just had some questions about just property line. So, I can direct that to the applicant, I guess. And the screening is it artificial or native, like what kind of regulations besides just like is it 500 feet of trees from my property line? Because there's not 500 feet of trees now. So, I'm just wondering, what am I going to have as a view?

**Chairman Johnson:** Let's stop there for now and ask Dustin if he can add any clarity to.

**Dustin Parks (Staff):** So, it's not it's not 500 feet worth of screening. It's too obscure vision from 500 feet away from the property. So, it's actually something we've done for several other RV and boat storage locations. And essentially, what it does is, it's designed so that anyone who's 500 feet away doesn't have just, you know, a direct line of sight to what's happening there. It's just kind of a general measure that's completely up for debate or discussion. But like I said, it's just one of the conditions we've put on other RV and boat storage locations in the past. So, but yeah, it's not 500 feet worth of screening, it's screening for 500 feet away, if that makes sense. I don't know if I just muddied the waters.

**Joy Neely (4919 Ferguson):** Either way, I'm just not going to like it. And then, my last note, bear with me, is the Harbor on 237. So big facility, I actually looked at their facility multiple times, they purchased land just north of my campground and plan on putting a facility, a bigger facility there. And they just acquired Lake Bound. So, they have some development plans, I'm not pushing for them, I don't make any money than making money. But I just think those are better line of sight, safety wise, better for our community, and then they're already matching up with already locations. So that's my, that's my notes. Thank you for listening.

**Rhonda Schademann (2420 Orchard Ln, Lawrence):** My name is Rhonda Schademann and my address is 2420 Orchard Ln, Lawrence and we have a financial interest in the property. I would just say that safety is a huge issue there. We lived there for close to 10 years. And I can't tell you how many near misses there were on Ferguson curve. And for them to be able to slow down. The gate being moved in further would actually suffice for two to three vehicles because an RV anywhere from 30 feet up same thing with a boat and trailer. So, if that's sticking out on that curve the visibility isn't great to start with. So, I think safety is a really big one. Yeah, I believe that I'm not sure Dustin may be mentioned that they've got other requests for type of places to do this, why not a single place I'm not going to dispute the need for it. Although you know, empty, vacant places in particular that I also know that they just added on to one further south on 1029 farmers turnpike and they've just added on a huge addition on that. I'm not going to say that it's not a part of it. But the marketability of the property and when I see it doing that as a residential, I can, like Joy, she wants to build that house who's gonna want to see that eyesore with traffic congestion comes more litter. I picked up many a bag off Ferguson Rd the way it is and I think that even that storage area that that can produce a lot of litter and then I guess maybe rodents too that come with sometimes storage. Thank you.

**Chairman Johnson:** Thank you. Dustin let me pick up on what was your comments about a traffic study on Ferguson.

**Dustin Parks (Staff):** So, what I said was, is that the I know the Road department is looking to do a traffic study after Memorial Day weekend. So that they can get a baseline for what the traffic looks like. But like I said, I don't have those numbers here for this specific case, so but that's why I mentioned the traffic study that the engineering firm already did.

**Chairman Johnson:** So, what analysis does the Road and Bridge do, if if we're talking about multiple increasing entrances into this property at that particular site? What kind of detailed as traffic and road go into to assess safety considerations?

**Dustin Parks (Staff):** I'm unaware of that information. I only get the response from my request of their thoughts on the case. So, I don't know what information they use to form their opinion.

**Chairman Johnson:** Well, this has been a dilemma that we've had over many years not having the ability to address a specific engineer or somebody at traffic and road about a particular site.

**Dustin Parks (Staff):** Again, that's why I pointed to the engineered traffic study that you have in your packet? Because that's the best available information that I have as well.

**Chairman Johnson:** Is that as objective as we can do?

**Dustin Parks (Staff):** That is not a question I can answer. Because speaking objectively, no, it's not as objective as we can be. But it's as objective as our regulations allow for currently.

**Chairman Johnson:** Do we have anyone else online, is there anyone else that's online that wants to speak against this application.

**Jeffrey Schweda (4896 Ferguson Rd):** Can I add one more thing?

**Chairman Johnson:** Go ahead.

**Jeffrey Schweda (4896 Ferguson Rd):** Yes, this is Jeff Schweda again. Well, I don't know if you can see it on your Google Maps. But there has also been a lot that was closed right next to that other one there at the dam, south of that location. And since they closed it, the grass is all grown up there, the fences come down, they put up the six-foot chain-link fence, and it just looks like heck, now, because they closed it and, and everything's falling apart. It looks like a mess right there. So, it's a bigger eyesore. So, I did want to mention that, you know, that that one closest down to that we're left with a big ol mess to look at when it starts falling apart, and nobody maintains it.

**Chairman Johnson:** Thank you. No one else online to speak against this application. I'll see if there's anyone online who wants to offer a neutral information on this particular application. Seeing none at this point, then I will close the public hearing portion of this application and ask if commissioner's have further questions for the staff or for the applicant at this point?

**Secretary Scherer:** I might ask you Mr. Noll if Landplan happened to get some traffic count data from either KDOT or the county when you were doing your study?

**Jess Noll (Landplan Engineering – Surveyor for applicant):** Yes, sir. I'm sorry. So yes, sir, we did. We actually got it. I believe the last traffic study that was done on Ferguson Road was done in either 2018 or 2019. And that is the data that we used. But yes, we did. It is a KDOT study. It came off the KDOT website, would have been the last county study that they would have done on Ferguson Road.

**Secretary Scherer:** I don't believe that information is actually given on this summary sheet, do you happen to know what the average traffic count was for weekend and weekday. I know I'm putting you on the spot here.

**Jess Noll (Landplan Engineering – Surveyor for applicant):** I can get that for you. I don't have it right at my fingertips. It is actually in the file. And it was taken off of Marion Road. August of 2021. I'm sorry. was when it was done, and it was done at the intersection. The count that we used was off of the intersection at Marion and 46<sup>th</sup>, which would be east of our entrance. Trying to find this. I can give I can give that website to Dustin, if need be, but it was a KDOT traffic study in August of 2021.

**Secretary Scherer:** Thank you. I asked to give us an idea of how much more traffic we are anticipating seeing in this vicinity.

**Jess Noll (Landplan Engineering – Surveyor for applicant):** Again, your ITE that's in the packet has your anticipated daily volume uptick which is no more than six cars a day.

**Secretary Scherer:** Inaudible.....but if Ferguson only adds six cars per day that would.....inaudible

**Jess Noll (Landplan Engineering – Surveyor for applicant):** Now don't hold me to these numbers but the counts at Marion and 46th if I do remember right in recollection was about 740 cars to the south at the boat storage that Mr. Schweda was talking about that closed your counts were higher, much higher like 2100 and then the farther we went north up Ferguson road, it went 2100 then dropped off at 1200 Marion road dropped off at 741 and it keeps dropping off the farther north that you go up Ferguson road.

**Secretary Scherer:** Thank you.

**Chairman Johnson:** Other questions by Commissioners for staff or for the applicant or applicant's representative? Well, the Chair is in a position to request if there's no further questions or information requests than the Chair is in order for some type of motion.

**Cindy Ross (11016 46<sup>th</sup> St):** Can I still have some input on this? This is Cindy Ross and I live on 46th Street or is my time up?

**Chairman Johnson:** Cindy, are you in opposition to this application?

**Cindy Ross (11016 46<sup>th</sup> St):** Yes, I am.

**Chairman Johnson:** Were you online when we made that opportunity available for those who are in opposition?

**Cindy Ross (11016 46<sup>th</sup> St):** I was hesitant but since this is a small narrow road, I just want to make sure that people aren't taking a shortcut from the lake over to the storage site if it is approved. This little road cannot handle two-way traffic.

**Chairman Johnson:** Dustin, can you help with what she may be pointing out?

**Dustin Parks (Staff):** 46th Street. 46th Street I believe is what she's referring to. 46<sup>th</sup> Street feeds in kind of down, back around. Let me pull up a map. I don't see why anyone would use that as a shortcut. It's doesn't really take you. I guess you could get off, maybe like go north. Yeah. So, comes out of the marina and splits and 46<sup>th</sup> goes up to Ferguson and 43<sup>rd</sup>, I believe it is, goes straight to Ferguson. But again, I'll pull up a map real quick, though I do want to state for the record that the public hearing portion was closed the public comment portion. Okay, I'm going to share my screen right quick. So, her concern is 43<sup>rd</sup> heading into the marina 46<sup>th</sup> comes up and goes north right there. Here's an aerial map. So 43<sup>rd</sup> comes down, Ferguson Road up or 46<sup>th</sup> through a residential neighborhood and up.

**Chairman Johnson:** Okay. I'll take last comments from the person who made this about the 46<sup>th</sup> St.

**Cindy Ross (11016 46<sup>th</sup> St):** Well, if if they do want to take a shortcut, I would suggest putting signs up that say no through traffic. This road just cannot handle people taking shortcuts like that.

**Chairman Johnson:** Okay, thank you. Yes, public comment portion is totally closed now. So, moving on to motion made by Planning Commissioners on this particular application.

**Secretary Scherer:** Mr. Chairman, I share your concerns about Road and Bridge not writing us the kind of support, I think we should. I believe the applicant has done. So, I move approval recommendation of approval of application CU2022-01 with the five conditions provided by staff, although I would recommend a revision of condition number one, which says screening, either living or artificial, shall be erected in a manner that obscures the storage area from the view of traffic and residences within 500 feet.

**Chairman Johnson:** So just for clarity, so that means that they're not doing screening.

**Secretary Scherer:** No, it means the same thing. I just don't like his wording. So, the intent is exactly the same as Dustin's it's just striking entirety of use and replacing it with storage area.

**Chairman Johnson:** Motion on the table is there a second?

**Commissioner Phillips:** Second.

**Chairman Johnson:** Steve Seconds it. Further discussion by Commissioners on the motion? Seeing none, then all those in favor of the motion by Matt, raise your hands.

Votes were taken by Ayes and Nays as follows:

<b>Paul Johnson Chairman</b>	<b>Vacant - Vice Chair</b>	<b>Matt Scherer Secretary</b>	<b>Stephen Phillips</b>	<b>Tim Benyshek</b>	<b>Tiffany Asher</b>	<b>Vacant</b>
DNV	--	Aye	Aye	Aye	Aye	--

Motion passed 4-0

**Chairman Johnson:** One thing to say at this point is that the Planning Commission is a recommending body and that it is the County Commissioners that make the final decision on this particular case. And what date will that come before the County Commission Dustin?

**Dustin Parks (Staff):** So usually it's three weeks out but the Board of County Commissioners is going to be a member short on that day. So, the meeting date will actually be in front of the County Commission will be June 20.

**Chairman Johnson:** Dustin, can you repeat what the provisions are for a protest petition for this for said application?

**Dustin Parks (Staff):** Sure, so protest petitions are available or will be available made available at the County Clerk's Office starting tomorrow. We will get them tomorrow morning. We'll get them a list of property owners who own property within 1000 feet. Only deeded owners of record can sign a petition for the protest petition. And what a protest petition does is if enough property owners over 20% of the acreage in that 1000 foot sign a protest petition, then the County Commission has to vote unanimously instead of two thirds. Technically state law says it has to be three fourths majority. But since we only have three County Commissioners, that translates to a unanimous vote. And the protest petitions are available on our website if you want to get them early, but just please keep in mind that the County Clerk won't have the deeded owner list until tomorrow morning. So probably by nine or ten. You have 14 days to turn in your protest petition. They'll accept a protest petition so starting tomorrow morning, you can file a protest petition in the Clerk's office, if you it filled out, they just won't be able to link it to the deeded ownership until we give them that list tomorrow morning. And you have 14 days from the close of the public hearing to file the protest petition with the clerk's office.

**Chairman Johnson:** Okay. So that concludes the one case we have. Second item on this agenda is discussion of Comprehensive Plan in Jefferson County.

**II. Comprehensive Plan**

**Dustin Parks (Staff):** So, I kind of alluded to Paul a little bit before the meeting, that I just want to give you guys an update where I'm at with the Comprehensive Plan, what I've kind of reviewed and looked over. And I want to make sure that the RFP, that was submitted to you guys, and then from what I read in the minutes, was recommended to be submitted to the Board of County Commissioners. If you happen to remember what that looked like the meeting was back in February. My intention is to go ahead and submit that if you're okay with what it was, I'm going to go ahead and submit it as it was to the Board of County Commissioners next Monday. Now, I don't know if they'll decide on it, obviously, they'll probably take a couple of weeks. Well, next Tuesday, I'm sorry, next Monday is Memorial Day. But next Tuesday. I'm sure it'll take a couple of weeks to decide. But I'm going to propose it to them to review. And once they give me the yes, then within a week of that, I'll send it out to the list that Kelly had made, she made a rather large consultant list. And I'll send the RFP

out to that list. And then we'll give either 45 or 60 days, I have to check to see if there's any requirements under bidding for that. But I'm going to try to do 45 days. But if I have to do 60, I'll do 60. And then we'll go from there. Hopefully, we'll get some response. So that is where I'm at.

**Chairman Johnson:** Just for an informational basis for those who are online or in the room. Jefferson County adopted its last Comprehensive Plan on in 2001. And so oftentimes every 20 years or so they're updated or reviewed. And so that's where Jefferson County is at this point, is that update the Comp Plan? And it gets into this question about how are we going, you know, where's commercial industrial zoning going to go? You know, we're trying to get development around the nine small cities at this point. How do we deal with agricultural lot splits? How do we deal with, you know, people, you know, holding on to the rural and agricultural nature, this county? And, you know, so it's kind of a vision for going forward for future generations. And, you know, I'm guessing that this will probably be an 18 month to two-year process, and that there will be community groups and and specialty groups and that they'll be approached in many ways to get input on it. And the last thing I would say is, and I was involved in 1990s, on a special community committee to update the Comp Plan. And we came up with this kind of as theoretical philosophical idea of holding on to the rustic nature of what many people want out of Jefferson County want to hold on to, but the plan itself is kind of theoretical, it's a full philosophical document. What enforces that is what happens with zoning and subdivision regulations. And unfortunately, what we got in our Comp Plan and then eight years later 2009 we adopted zoning and subdivision regs that many were somewhat in congruence with what the vision was at that point. So now we're going to take another stab at it. And we're going to put a new Comp Plan together with this much community input and and understanding is we can get and do it in sync within how the regulations play out. So long, long answer, but that's kind of where we're at, at this point.

**Chairman Johnson:** Dustin, is that a public document as to what the specifics of this, our general RFP, that you're thinking about, that's going to go to the County Commission?

**Dustin Parks (Staff):** No, not yet. It's not a public document until we send it out. Because under like part of the bid requirements, we have to specify as soon as they approve the document, that's when we can say that it's public. But right now, it's a work in progress draft document. And since it deals with financials and requests for qualifications and stuff like that, we can't do anything publicly with it until the County Commission approves it.

**Chairman Johnson:** So, if it goes on the agenda for a County Commission meeting than how public is that document?

**Dustin Parks (Staff):** Well, at that point, that's them reviewing it. Yes.

**Chairman Johnson:** And outside of getting the nitty gritty about the cost, or, you know, other things, as far as the general nature and thrust of the proposal that that's reviewable by by Jefferson County residents?

**Dustin Parks (Staff):** Yes, I mean, so the RFP is not so much a publicly guided document, as it is a governing body document, because it's a request for proposals. So, it's a request for services, essentially. And we we've geared that request, through multiple meetings with you all, and the Board of County Commissioners to develop that document. The public input will come into play for how we develop the Comp Plan, not so much the deciding on a consultant because the consultant will be decided on through ultimately the County Commission. But we've geared that RFP through the public meetings we've had and the meetings with the Board of County Commissioners to line out what we're looking for in the Comp Plan. So, I wouldn't say that it's a public assisted document as much as obviously as much as the Comp Plan will be because it's budgetary and service requirements more than it is what the public wants to see out of the Comp Plan. Thank you.

**Chairman Johnson:** Thank you. So, anything else to say about the Comp Plan?

**Dustin Parks (Staff):** No. I don't think there's room for both of us on the soapbox. But I'm hoping to have a yes or no from the County Commission before the next meeting, or at least an understanding of where they are with it or if they're asking me to redo something in it. So hopefully by the next meeting, I'll be able to say either we're putting it out to the public here, or, you know, they've asked me for some revisions. So, once I get those revisions, we'll go from there. So, which means on a timeline, I'm hoping that by our August meeting, I'll at least have either some bids received or waiting on bids to be received.

**III. Yearly Re-Organization of the Planning Commission Board Officers - The Planning Commission will vote to elect the Chairman of the Board, the Vice Chair, and the Secretary.**

**Chairman Johnson:** Great, thank you. Okay, item three on our agenda is reorganization of the Planning Commission Board officers. The yearly reorganization. Thanks, everybody. So, Gale retired from the Planning Commission.

**Dustin Parks (Staff):** She did.

**Secretary Scherer:** So, just out of curiosity, did they act on, I believe my term is expired.

**Dustin Parks (Staff):** Oh, yes, I'm sorry. Everyone whose term was up that requested to be reappointed was reappointed. You should have gotten the letter by now. But if you haven't, I'll reach out to Linda.

**Secretary Scherer:** Oh, it's probably in the mail.

**Chairman Johnson:** Well, that is good to know Matt. So, we have two vacancies then on the Planning Commission now.

**Dustin Parks (Staff):** Now we do yes. We have, I'll be honest, we have some interest. But so far, the only people who have shown interest also have active or potentially pending cases.

**Chairman Johnson:** Well, thanks to Matt's rules addition, this boy is done as Chairperson. So, do we have a convenient slate here for who wants to be Chair, Vice Chair and Secretary?

**Commissioner Phillips:** I have a nomination for a slate. I nominate Matt as Chair. Tim as Vice Chair and Tiffany as Secretary.

**Commissioner Asher:** Yeah, I don't even really know what I'm doing.

**Commissioner Benyshek:** I'm okay with that. As long as Matt agrees to never miss a meeting.

**Dustin Parks (Staff):** In the history of that it's been very rare.

**Secretary Scherer:** One of the reasons that I proposed the term limits is to get....inaudible...I think that me going back to Chair may not be the best idea. Thank you anyway, Steve.

**Commissioner Phillips:** If you're refusing, then I would nominate Tim as Chair, Matt as Vice Chair and Tiffany as Secretary. And I think we have one other combination here I could go to if this doesn't work.

**Chairman Johnson:** So, what was what was your newest slate again?

**Commissioner Phillips:** Tim as Chair. Matt as Vice Chair. Tiffany as Secretary.

**Chairman Johnson:** Any term limits on Vice Chairs?

**Dustin Parks (Staff):** All the officer seats have three-year limits. I said I think all the officer seats have three year limits is what we did. Now. I don't think we limited the three-year limits to just the Chair.

**Secretary Scherer:** I remember doing away but then my memory is not very good.

**Dustin Parks (Staff):** And I haven't looked at it in a while. To be honest.

**Secretary Scherer:** I don't even have a copy of it.

**Commissioner Benyshek:** I'm fine with Chairing. I may have to seek some assistance from for some infinite wisdom from some prior Chairs.

**Chairman Johnson:** Matt's right there. For some of us, we don't control public hearings very well, so you could step up to that. So, is there a second for Steve's second slate of Tim, Matt, and Tiffany.

**Secretary Scherer:** I'll second.

**Chairman Johnson:** Okay. Further discussion on officers.

**Commissioner Asher:** Yeah, I don't know what that means exactly but I guess I'll read the book.

**Commissioner Benyshek:** It means you better start taking notes.

**Dustin Parks (Staff):** Mr. Chairman.

**Chairman Johnson:** Dustin.

**Dustin Parks (Staff):** May I step in right quick, I pulled up the bylaws so I can specify this. The Secretary does not have a term limit. But all offices are one-year terms, with no more than three consecutive terms for the Vice Chair and Chair. And, Tiffany, if you don't quite feel comfortable doing the Secretary position just yet, you can actually appoint staff member, which means you could appoint me as the Secretary.

**Secretary Scherer:** And to be honest, Tiffany, that's the way it works, whether we use it or not.

**Dustin Parks (Staff):** Usually the Secretary just signs the documents that the board approves and that's just how we roll, because Erin does the minutes.

**Commissioner Phillips:** Are you saying Matt can't be Vice Chair?

**Dustin Parks (Staff):** Matt is Secretary not Vice Chair.

**Commissioner Phillips:** I'm sorry. So, we're okay with the slate. We're good. And it was seconded by somebody?

**Chairman Johnson:** By Matt. Further discussion on new officers.

**Chairman Johnson:** So, no further discussions. All those in favor of Tim, Matt, and Tiffany as our officers for the next year. Raise your hand. It's unanimous.

Votes were taken by Ayes and Nays as follows:

<b>Paul Johnson Chairman</b>	<b>Vacant - Vice Chair</b>	<b>Matt Scherer Secretary</b>	<b>Stephen Phillips</b>	<b>Tim Benyshek</b>	<b>Tiffany Asher</b>	<b>Vacant</b>
DNV	--	Aye	Aye	Aye	Aye	--

Motion passed 4-0

**Chairman Johnson:** So just to finish this off, Dustin, I mean, obviously, you can't bring people who have conflicted cases, but are there other applicants for this?

**Dustin Parks (Staff):** We have we have just started putting it out there for people to get applications in.

**Item 6: COMMENTS FROM THE PUBLIC ON ITEMS THAT ARE NOT ON THE AGENDA**

NONE

**Item 7: OLD BUSINESS, GENERAL STAFF REPORT**

- I. **TA2021-01:** Consider potential draft text amendment TA2021-01 to sections of the Zoning and Subdivision Regulations pertaining to application requirements and Zoning Certificate/building permit procedures. (Initiated March 22, 2021; deferred April 26, 2021; deferred May 24, 2021; deferred June 28, 2021 – **Deferred until June.**

**Chairman Johnson:** So, let's move on to item seven, old business, and general staff report. Am I reading this right that this draft text amendment will defer till June?

**Dustin Parks (Staff):** Yes.

**Chairman Johnson:** That's easy. Let's jump over that. Anything else on general staff report?

**Dustin Parks (Staff):** I guess it would qualify as old business, the 118th and Ferguson plat that we had last meeting. They have resupplied a new plat and it is the same configuration in lots they've just described a shared entrance for the lots on 118th. Other than the one that's already existing, they've supplied that to us. So, they will be our June hearing. Also, in old business. I want to pull up the agenda right quick before I speak out of turn here. Okay. Also, in old business, I will probably be bringing up the draft regulation, or at least kind of a semblance of it. For our accessory dwelling units that we've previously discussed, I'm probably going to be bringing forward a draft regulation for that, that I'd like to go over. So, I may have two text amendments in June.

**Chairman Johnson:** Okay, how busy is the June docket?

**Dustin Parks (Staff):** Well, it's a lot less busy than I thought it was going to be. I thought we were going to have five or six cases. But we have right now with the existing text amendment, my potential text amendment and the 118th and Ferguson case, that's it.

**Chairman Johnson:** I want to ask a couple of questions about old business. Actually, it gets down to this question of quorum and if a member disqualifies themselves on a given case, then they are considered an affirmative vote on that case.

**Dustin Parks (Staff):** No. If they have recused themselves from voting they're not involved in voting. But if a person abstains from voting while being an active participant in the case, that's when they're considered an affirmative. Actually, it's not considered affirmative it's considered with the majority. So, let's say we have a case, and we have all seven members, and four of the members vote no and two of them vote yes, and one member abstains, their abstention goes with the majority. That's by our bylaws. So, it's not that an abstention is affirmative. It's just that every abstention we've had so far, the majority has voted affirmative. So, an abstention vote goes with the majority of the votes, not affirmative, not negative, inherently. It's whatever the majority is.

**Chairman Johnson:** So, not to make this too complicated, but if one disqualifies themselves because they have a conflict of interest and then then you then you get into a question of, given the numbers, do you still have a quorum?

**Dustin Parks (Staff):** Correct. So, essentially for that hearing, that member is not present, if they have removed themselves, because of a conflict of interest. And the board agrees that that is a conflict of interest, because technically what's supposed to happen is they can either recuse themselves willingly, or they can state their reason for questioning recusal. And then the board can decide if that is worthy of recusal once recusal has been agreed upon or just decided that person's not present for that hearing. So, your quorum requirements are as though they were never there.

**Commissioner Asher:** Sorry. But then can that person speak as a member of the public?

**Dustin Parks (Staff):** Yes because you're not a part of the hearing. Okay. So, you can speak as a member of the public?

**Commissioner Benyshek:** I have a question, Dustin, because this has come up two or three times for me like where I work for Denison state bank and it's actually my customer who is, I am the loan officer for, sitting as the applicant in the crowd, I assume it's probably proper that is a case where I need to totally recuse myself from basically voting and not have anything to do with the public hearing process?

**Dustin Parks (Staff):** I would say to be safe. Yes. I think it's one of those situations.

**Commissioner Benyshek:** Well, the reason why I ask is because no, I've as I've said, abstain, even though I didn't participate in the process, but I'll just be honest with you, that's just because of my I guess, a unknowledge of the difference between recusing and abstaining.

**Dustin Parks (Staff):** At that point, I think it would be one of those, you know, if you from a moral standpoint, and from an obligation standpoint, if you're the only person who can decide whether or not they get funds, that's obviously financial for you. And so, at that point, I think it would be automatic recusal. But if you're aware of the case because they're a customer of your bank, but you're not directly involved in their loan.

**Commissioner Benyshek:** I've had that happen to.

**Dustin Parks (Staff):** I think that's when you bring it up to the board and let the board decide if that's worthy of your recusal.

**Commissioner Phillips:** I don't think that's worthy of recusal just being a customer.

**Dustin Parks (Staff):** I don't either, but if you feel uncomfortable, I think you should bring it up because you feel uncomfortable. And let the board decide.

**Commissioner Benyshek:** Like I've said every time that's come up, I've always said that I have a conflict of interest. And I've you know, abstaining from voting and I but like you said every case, there's never been a yes, no vote. It's either been a definitive yes. Or definitive no. Okay, well, that's all I wanted to clarify there.

#### **Item 8: NEW BUSINESS**

**Chairman Johnson:** Do you have any new business for us Dustin?

**Dustin Parks (Staff):** Other than the stuff with the Comp Plan that we've already discussed? No.

**Chairman Johnson:** Remind me again, how busy is the June meeting?

**Dustin Parks (Staff):** Three hearings, one public hearing, two text amendments. Potentially two, at least one.

**Commissioner Phillips:** What is the day of the June hearing?

**Dustin Parks (Staff):** The 27<sup>th</sup>

**Commissioner Benyshek:** Oh boy, first meeting as the Chairman and it's my birthday.

**Chairman Johnson:** Anything else that we need to deal with Dustin?

**Dustin Parks (Staff):** Not that I'm aware of.

**Chairman Johnson:** Anybody ready for adjournment?

**Commissioner Benyshek moved to adjourn the meeting. Secretary Scherer seconded. All said aye.**

**Item 9. Adjourment – 8:54 PM**

Minutes taken by:

  
Erin George

Approved:

6-27-2022  
Date

Chairman:

  
Paul Johnson

Secretary:

  
Matt Scherer III