

SOUTHEAST CONSOLIDATED ZONING BOARD

Zoom Webinar

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MINUTES

Wednesday, April 7, 2021

6:30 P.M.

I. CALL TO ORDER

A meeting of the Southeast Consolidated Zoning Board, Johnson County, Kansas, was convened at 6:31 p.m. on Wednesday, April 7, 2021, and was called to order by John Loyd, Chairman, with the following members present and participating, to-wit, Kelley Rast, Dennis Bollin, Ed Schlesselman, Fred Wingert and Kenneth Klingensmith. Absent was Andrew Ramos. Also in attendance were Sean Pendley, Pamela Hayhow, Leslie Davis, and Jay Leipzig, Planning Department; Keith Markway, Brian Pietig, and Kent Lage, Public Works; Rick Lind, Legal Department, and Anoush Fardipour, Johnson County Building Official.

Chairman Loyd: Virtual Meeting Statement, Southeast Consolidated Zoning Board:

To reduce the spread of COVID-19, the Johnson County 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, Revise and Approve the Agenda

Chair Loyd: Staff, do we have any additions, deletions, revisions, et cetera?

Mr. Pendley: There is nothing additional to add to the agenda, or to revise.

Motion by Mr. Klingensmith, seconded by Ms. Rast to approve the agenda as presented.

B. Disclosure of conflicts of interest

Ms. Rast: I just wanted to disclose that eight or nine years ago, my son did play on the ABA baseball team, so I am familiar with ABA. It was about eight years ago.

Mr. Lind: With your involvement with the ABA, is that in any way going to influence your decision-making tonight?

Ms. Rast: Oh goodness, no. I am completely neutral. It has no effect.

Mr. Lind: Okay, I just wanted to make sure we got that on the record.

Ms. Rast: Absolutely.

Mr. Pendley: Thank you.

Chair Loyd: Thank you Rick.

C. Disclosure of external contacts/discussions [None]

III. APPROVAL OF MINUTES

Chairman Loyd: We'll move on to the approval of the minutes from the March 3, 2021, meeting. Does anybody have any comments on those, or a motion?

Motion by Mr. Klingensmith, seconded by Chairman Loyd, to approve the minutes from the March 3, 2021, Zoning Board meeting.

Motion passed unanimously.

IV. BOARD REPORTS

Chairman Loyd: Moving on to item IV, Board Reports, Board of County Commissioners actions?

Ms. Hayhow: Certainly. When this Board met in March there was a full agenda. In fact, two of the items that are on the agenda tonight were originally scheduled for the March meeting, but were continued until tonight. From the March meeting, your recommendations for approval of a CUP for Johnson County Topsoil at the southeast corner of 191st and Woodland; the preliminary and final plat for a two-lot subdivision at 175th and Kenneth Road that was called Hall Acres; a final plat for 13 lots in the Third Phase of Sycamore Springs Estates at 183rd and Ridgeview; a rezoning and Preliminary Development Plan as the preliminary plat for six lots of Stonehaven at Loch Lloyd at 167th and Kenneth Road; and a Special Permit for an existing horse stable in Heritage Park; those all will go to the Board of County Commissioners tomorrow for decisions, so we'll have to give you an update at your next meeting.

Chair Loyd: Thank you. Planning Commission actions?

Mr. Pendley: I'll just note that we did not have a Planning Commission meeting in March, but we did a Committee of the Whole meeting, a study session with the Planning Commission and the Board of County Commissioners. The subject was Utility-Scale Solar facilities. We had a consultant group, the Berkley Group, assist with the presentation on that subject regarding solar energy regulations and updates to the Comprehensive Plan. That will be coming forward in public meetings. We will have a meeting in April just to discuss a timeline and a schedule for the project, and then there will be a public hearing scheduled, likely in May, so there will be additional meetings with the Planning Commission regarding that subject.

Chair Loyd: Thank you, Sean. Progress report on the Stilwell Community Plan, Ken?

Mr. Klingensmith: The only thing we have to report is we had put up some nice directional signage. I believe everyone knows the one at 175th Street and Metcalf was now in an accident. We have been working with the individual's insurance, and that sign will be getting replaced, and we're actually currently working on getting someone to install that for us. I just wanted to let everyone know that that is being replaced and put back in place.

Chair Loyd: Thank you, Ken.

V. BUSINESS BEFORE THE BOARD

A. Application Nos. SE 21-114-REZ and 21-115-PP (AU) –Rezoning and Preliminary Plat –199th Street and Antioch Road

Dennis Patterson, Prime Development Land Company, applicant, and Clay Blair, BFP Real Holdings, LLC, landowner, requesting rezoning from RUR, Rural District, to RN2, Residential Neighborhood 2 District, and a Preliminary Plat for 20 residential lots on 110 acres, (Adams Farms Estates) in Section 12, Township 15, Range 24

Chair Loyd: I just want to make sure that we have somebody in the webinar for the applicant. Leslie, are you able to confirm that?

Ms. Davis: Yes. I have Jake here, and I believe I also have Dennis Patterson. Yes.

Chair Loyd: Very good.

Ms. Hayhow: I'll be handling this one. I'd like to enter the staff report dated March 31st into the record, and give just a brief summary. This 110-acre property is located near the southwest corner of 199th and Antioch in the Stilwell community. It's currently zoned RUR, Rural District, and is used for the cultivation of row crops and for pasture for cattle. There are a few trees along perimeter property lines and no existing structures. There is an overhead power transmission line that crosses near the center of the property. The applicant is requesting to rezone the property to the RN-2, Residential Neighborhood Two District, which is a residential zoning with a two-acre minimum size requirement. He is also requesting a preliminary plat for the development of 20 residential lots and three tracts, to be known as Adams Farms Estates. Two of the tracts are for open space and landscaping and they parallel 199th Street. The third tract, Tract C, is for future residential development. It's on the west part of the property.

This is an aerial view of the property. You can see the area that had been farmland, and the rest was pasture. The dotted line is approximately the location of the overhead power line. The applicant is proposing to construct a local street to provide access to the lots. Part of the reason for the request for a continuance from the last meeting was to reduce the number of lots from 36 to 20. Per Building Code, a maximum of 30 lots can be developed on a single access. Because the lots are less than three acres in size, the street will be constructed with a curb and gutter drainage system.

None of the lots will have direct access to 199th Street. The proposed street will extend along the east side of the subdivision, all the way to the south property line, to provide future connection to potential future residential development to the south. There will be a temporary cul-de-sac bulb constructed at the terminus, so emergency vehicles will be able to provide service if needed to the lots, and will still be able to turn around. The length of the street without an intersection street creates a block length which exceeds the maximum allowed for the Residential District. There is a regulatory flood plain to the east, which would be difficult to cross with an intersecting street, so the applicant is requesting a plat exception for an over-length block.

199th Street is designated as a Type 3, Parkway, and access is very limited. The proposed street location where it connects with 199th Street is at the crest of a hill where site visibility is best. 199th is planned as a divided parkway, meaning when it gets improved, it will have a center median separating the flow of traffic. Per the Regulations, there would be only one median break between Antioch and Switzer. Right now, there are no plans to improve 199th Street. It is likely to get improved to the Parkway standard if and when the area is annexed into Overland Park. Per County Regulations the proposed street should be located at the half section line, which is the

west property line for this subdivision, but as 199th Street is currently constructed, that location at the half section line is at the low point where site visibility is not very good, and there is a drainage channel and culvert under 199th Street, and the overhead power lines cross 199th Street in this location. So, there's a lot going on there – not an ideal location for how 199th Street is currently constructed. The applicant is requesting a plat exception to allow that street to be constructed at the crest of the hill instead of at the half-mile location. The applicant contacted Overland Park, and it was agreed that this location was acceptable, given the existing conditions, but they wanted it noted that in the future the street may become a right-in/right-out when 199th Street is constructed with the center median. As 199th Street is currently constructed, there are no shoulders adjacent to the property. The applicant will be installing a four-foot gravel shoulder and grading this roadside ditch section to meet the Type B Collector cross-section. These improvements will be done along the south side of 199th Street, adjacent to the subject property.

Water One serves this area and has water mains in the south right-of-way for 199th Street. The applicant will be extending a water main along the subdivision street and installing fire hydrants within 600 feet of all property lines to serve the proposed lots with potable water and fire flow.

Part of the property is located within an Area Plan for Stilwell, and the city boundary for Overland Park is less than a quarter mile to the east. The property is considered Urban Fringe. Because the subdivision is proposed with lots that are less than seven acres in size, dry sewers are required in conjunction with the use of onsite septic systems, unless a waiver is recommended by the Chief Engineer of Johnson County Unified Wastewater District. Sanitary sewers are not anticipated within the next 15 years for this area, and the Chief Engineer has recommended approval of a waiver.

Staff reached out to the City of Overland Park for comments, as this is in the Urban Fringe. We received initial comments when the plan was for 36 lots. That was included in your packet. The City did not have opposition to the zoning, but they did suggest some changes to the street layout, particularly near the half-section or the west property line. The City has an adopted Street Plan which calls for collector streets through this section. The applicant did not agree with the suggested collector street and chose to put the west part of the subdivision where the City wanted that collector street to be located as a tract for future development. Whenever that Tract C is ready for development, the applicant or the owner at the time will be required to preliminary and final plat Tract C.

Staff reviewed the rezoning request with respect to the Golden Land Use Criteria. I'll just touch on a couple of those but would refer you to the staff report for greater detail. Zoning of nearby properties consists of RUR, PRUR and RURJ. They are all shown in green. The zoning with the J on the end are properties located within the city of Overland Park. The P stands for Planned Zoning District in the unincorporated area. There are also properties zoned PRN-2, RN-2 and you'll see RN-2J to the north and east. Those are in cream color and are Residential Neighborhood Districts with a two-acre minimum size. There is also Commercial zoning. That's the PRB-1J and PRB-2J that are along both sides of 199th Street to the east.

Uses in the unincorporated area are very low density residential and agricultural uses. In the city, they include agriculture. There's a church, retail business, topsoil sales and a nonprofit therapeutic riding organization. Staff found that the proposed RN-2 zoning and low density residential use to be consistent with the existing RN-2, PRN-2 and RN-2J zoning and residential use of nearby properties and not inconsistent with the RUR and PRUR and RUR-J zoning and very low density residential and agricultural uses of nearby properties. The character of the neighborhood is a mix of rural and very low density residential and agricultural uses with limited

commercial, religious and not-for-profit uses. This mix all in close proximity to each other is typical of a small community, especially near the edges.

Staff found the requested RN-2 District and residential use would be compatible with the character of that area. Property in close proximity to a city is considered Urban Fringe. This property is within a quarter mile of Overland Park. The standard residential density is one dwelling per ten acres, but one dwelling per two acres is allowed if there is adequate infrastructure available. Excluding the area of Tract C, the proposed density of this subdivision is one dwelling per every 3.3 acres. The applicant will provide the infrastructure required to support the proposed density, so the requested RN-2 zoning would be in keeping with the Comprehensive Plan.

Staff recommends approval of the rezoning and associated preliminary plat, subject to stipulations. The stipulations start on the bottom of page 15 of your report. We recommend approval of the minimum infrastructure waiver to not install dry sewers as recommended by the Chief Engineer of the Unified Wastewater District. We do recommend approval of the two plat exceptions, specifically the plat exceptions are to allow the street intersection with 199th Street to be 2,022 feet and 383 feet from the intersections of 199th and Antioch and 199th and Benson. Benson is on the north side of 199th Street, just east of where the proposed street is located. That plat exception would be approved instead of the 2,620 feet as otherwise required. The other plat exception is to allow block length of 2,232 feet instead of 1,320 feet, as otherwise required.

Per the Regulations, plat exceptions shall not be recommended for approval by the Zoning Board nor approved by the Board of County Commissioners unless they find such approval to be compatible with the surrounding neighborhood and shall not be contrary to the public interest or unnecessarily burden the County and shall not annul the intent and purpose of the Regulations. I touched on some of the reasons. The full analysis starts on page 14 of the staff report. With that, I stand for any questions you have for staff. The applicant, Dennis Patterson, is in the audience, and I believe his engineer, Jake Hattock, with Schlagel and Associates are here also. Thank you.

Chair Loyd: Thank you, Pamela. With that, I will open up questions to the staff from the Zoning Board members.

Mr. Klingensmith: I have a question, and thank you for a comprehensive report. A plat exception where the intersection to 199th Street is, am I to understand that has changed because of a discussion with Tony Meyers from Overland Park, and that that was sort of a recommendation between him and the applicant that that's the best ideal place, that created that exception?

Ms. Hayhow: Yes. The applicant did the site visibility study, and that was the best location along 199th Street as it is currently constructed.

Mr. Klingensmith: Okay, thank you. Thank you, John. That's all I have.

Chair Loyd: Other Board Members, questions of the staff? [None] Okay, we're going to close the question period from the Board Members of the staff, and move on to the application presentation, so whoever would like to kick it off for the applicant, if you would please introduce yourself with name and address.

Dennis Patterson, Prime Development Land Company, [no address given], appeared before the Zoning Board via Zoom, and made the following comments:

Mr. Patterson: I really appreciate Pamela's explanation there. She did a great job explaining what the concept was for our project and really didn't have any additional things to add unless you guys had any questions specifically for us.

Chair Loyd: Zoning Board members, questions for the applicant? [None] All right. No questions of the applicant. We'll open it up for public comments. Do we have anybody to speak on this, Leslie?

Ms. Davis: Yes. I do have one person.

Manu Chopra, 7168 Westfield Court, Alexandria, Virginia, 22306, appeared before the Zoning Board via Zoom, and made the following comments:

Ms. Chopra: [Inaudible]

Mr. Pendley: Are you here to speak on this item with the plat for Adams Farms Estates?

Ms. Chopra: Yes, I am.

Mr. Pendley: Okay, you can present at any time if you have any questions for the Zoning Board or for staff.

Ms. Chopra: My question is how are the lots so different like in different sections? Like how are they so different?

Chair Loyd: Why are they different sizes?

Ms. Chopra: Why are they different sizes?

Chair Loyd: Dennis, do you or Jake want to answer that?

Mr. Patterson: Yes, well, the first requirement was a minimum of two acres due to the septic requirement, and then we just felt it was nice to have a good mix between the two-acre lots, and then anything up to four and even six-acre lots was really just a response to the marketplace and giving some options out there.

Chair Loyd: Okay, thank you for that. Did that answer your question, Manu?

Ms. Chopra: That answers my question.

Chair Loyd: Okay, do you have any other comments?

Ms. Chopra: The park would look really nice with like the cherry blossoms, the flowers.

Chair Loyd: You're talking about if they would landscape the set-aside tract?

Ms. Chopra: Like set-aside tract.

Chair Loyd: So, the question, I guess, back to staff. Are there requirements for that set-aside tract for anything, or is it just to stay as it is?

Ms. Hayhow: The two tracts that are along 199th Street between the rear of the lots and the street, that's a landscape tract. There's no requirements for that, but the applicant intends on putting some landscaping in that area. I believe he mentioned a fence, but I don't know what type of trees. Do you want to elaborate on that?

Mr. Patterson: Sure. We don't have any plans finalized, but is the intent that we will put some additional screening on the north sides of those lots that are abutting 199th Street.

Chair Loyd: Okay. Thank you. Manu, any other comments or questions?

Ms. Chopra: It would be nice if they could put like a basketball hoop next to the fence, like a small basketball hoop.

Chair Loyd: Yeah, unfortunately something like that is probably not required of them, but that will probably be up to the individual property owners what they put on those lots after that.

Ms. Chopra: Okay

Chair Loyd: Okay, Manu, if you have nothing else, we will move on to any other commentors on this item. Leslie?

Ms. Davis: I do not see anybody else with their hands up at this time.

Chair Loyd: Okay. Further questions by the Zoning Board of staff, applicant or the public? Guys, any other questions? Board Members?

Mr. Klingensmith: Just for clarification, this is the preliminary plat, so we have a final plat forthcoming, still. Correct, Pamela?

Ms. Hayhow: That is correct.

Mr. Wingert: On Lots 8, 7 and 6, it looks like there's a creek that comes in there. Is the floodplain, page 3, does that represent the floodplain if we're looking at the map? The area that's shaded, is that floodplain?

Ms. Hayhow: Yes, that is floodplain.

Mr. Wingert: Okay, thank you.

Chair Loyd: Any other questions of any entities by the Board Members? [None] We're going to close the question and comment period. Discussion by the Board Members amongst ourselves? Anybody have any comments?

Mr. Klingensmith: I was just going to comment that I thought the staff did a nice job on the report and I am in support of the applicant.

Chair Loyd: Okay, thank you, Ken. Yeah, I think the engineer did a nice job. I think the staff did a nice job. My only comment – and I know that we're within the rules and the guidelines here, and I know this is definitely a fringe property, but as we move further from the highway and further from Antioch from the area that's already zoned by Overland Park, I hate to see this more dense layout kind of start to set the precedent, you know? Just a comment. I know that we're within the guidelines, and I'm generally supportive of it, but I would just hate to see this density just continue on down 199th Street. That's the only comment that I have. Other comments?

Mr. Bollin: I have some safety concerns. That's a lot of people on a one-entrance street. Ed Schlesselman knows what it's like to only have one entrance or exit out of a neighborhood. If you have some major catastrophe at the entrance and exit, people have to get in and out. If you have, let's say an accident at the entrance, and there's a fire or something at the far end, how does the fire truck get in and out? Or if there's some other type of incident at the far end. How does the police get in and out if there's a street blocked? That's my major concern, is access in and out of the place if there's something blocking the way. It's just a safety concern that I've got.

Mr. Klingensmith: If I recall, in your report you had indicated that both cul-de-sacs were fire engine-sized to turn fire engines around as well?

Mr. Bollin: I understand that there's a cul-de-sac where they can turn the fire engines around, but if the entrance is blocked, how do they get in there?

Mr. Pendley: We actually do have Anoush Fardipour, our Building Official, available. He maybe could help elaborate on this. I think, from a Code standpoint, from access requirements, this development meets the fire access requirements for one access for the number of lots. I don't know if there are specific comments regarding if a road is blocked. That's something we'd have to see what the fire requirements would be. Anoush, do you have anything else to add for the fire access requirement?

Mr. Fardipour: No. Dennis, thank you for bringing that up, but as you know, we have adopted the 2018 International Fire Code, and the requirement for a second means of access to the residential facilities is going to be at least more than 30 lots. Some of the jurisdictions, they make it more restricted. City of Overland Park actually made it more lenient. They made it up to 50 lots. But we kept the Code as it is. As you know, the Code is the minimum requirement and then at least they have to meet those, which actually I brought up during their submittals for Phase 1 and Phase 2 of this project. That's why they're showing only Phase 1 with less than 30. Then, one means of access, per Code. As I said, Code is the minimum is provided. They are providing two temporary turnarounds at the end of those cul-de-sacs, which commonly we always brought that up. We cannot ask more than what is needed from the Code which we have adopted.

Mr. Bollin: I understand it meets the minimum Code, Anoush, but still, I'd hate to be the one in the far house and the fire truck can't get past the wreck at the entrance. Okay.

Mr. Fardipour: Yeah, I wish I could say that, but I have no tools in my toolbox to say for such a thing. It's a good recommendation which I think design team maybe they would like to provide that, but under Code requirement, I cannot ask more than what is in the Code.

Mr. Bollin: Okay, thank you.

Mr. Fardipour: Thank you, Dennis.

Mr. Klingensmith: Is the expectation that there will be a homes association for this development?

Ms. Hayhow: I'm going to let Dennis Patterson answer that.

Mr. Patterson: Yes, it is the intent that there will be a homes association set in place.

Mr. Klingensmith: Could we add a stipulation that there will be no parking on the street? Or minimal, or some way to help address congestion on the street perspective?

Mr. Patterson: We would consider that, at least to look into the details of the length of time that anybody would be able to be on the street. Again, that would be something I would be willing to consider. I don't have a definitive answer right now.

Mr. Pendley: That's another thing that we may need to discuss and look at. If there is "No Parking" sign on a public street, any of these public streets, that may be something that needs to be approved by the Board of County Commissioners as well. We could check on the requirements for that if that were to be...In any specific location, we would need to just look at the location for where that would be posted, look at the jurisdiction for that, depending on which street it is where we are putting a "No Parking" sign.

Mr. Klingensmith: Considering this is a preliminary plat, I think that might be something that the applicant would take under consideration or maybe add more thought to as we enter into a final plat.

Mr. Patterson: Sure.

Mr. Wingert: Ken, are you thinking for the entire street, or just part of the street?

Mr. Klingensmith: I'm thinking more of the HOAs that just say "limited overnight parking," so you don't end up with six cars that are constantly parked on the street on both sides that will block the traffic flow, and doing more of a "you can park on the street, but it's not prolonged, extended, overnight," that type of a situation that you might see in other subdivisions where that restriction doesn't exist. Nothing major, just sensitivity to it.

Mr. Patterson: Sure. We would consider that.

Chair Loyd: All right. Thank you, Ken. Board Members, any other questions, comments, discussion? [None] Do we have a motion?

Motion by Mr. Klingensmith, seconded by Ms. Rast, to approve the change of zoning from RUR to RN-2, including a Minimum Infrastructure Waiver to not install dry sewers, for the reasons recommended by staff, and to approve the associated Preliminary Plat for 20 lots of Adams Farms Estates, for the reasons and with the stipulations recommended by staff.

Motion passed unanimously.

Motion by Mr. Klingensmith, seconded by Chairman Loyd, to approve the plat exception to allow the street intersecting with 199th Street to be located 2,022 ft. and 382 ft. from Antioch Road and Benson Street, respectively, instead of 2,620 ft. as otherwise required, for the reasons recommended by staff.

Motion passed unanimously.

Motion by Mr. Klingensmith, seconded by Mr. Schlesselman, to approve a plat exception to allow a block length of 2,232 ft. in a residential district instead of 1,320 ft. as otherwise required, for the reasons recommended by staff.

Motion passed unanimously.

Chair Loyd: That covers everything for that, right Pamela?

Ms. Hayhow: Yes. I will note that your recommendation will go to the Board of County Commissioners on May 13th. That's at 9:30 in the morning in the Administration Building. Check the website before you come up here. The Board is in the process of having both in-person and online meetings right now, so that may change. Be sure and check before you come up.

Chair Loyd: Thank you, Pamela.

B. Application No. SE 21-112-CUP (AU) –Conditional Use Permit –19220 Nall Avenue

Steve LaCasse, TGB Group, LLC, applicant, and Luke Town, LC Town, LLC, landowner, requesting amendment to a Conditional Use Permit for an athletic field complex for amateur baseball and softball training (Advanced Baseball Academy) on 20 acres, on property zoned RUR, Rural District, in Section 5, Township 15, Range 25.

Chairman Loyd: Do we have Steve LaCasse, TGB Group, LLC, the applicant, and Luke Town, LC Town, LLC, landowner, do we have people representing the applicant in the webinar?

Mr. Pendley: We do have representatives of the applicant online.

Chair Loyd: Okay, perfect. Staff, we're ready for the presentation, please.

Ms. Hayhow: Certainly. I'd like to enter the staff report dated February 24th and the staff memorandum dated March 31st and all of the attachments into the record. This is a request for an amendment to a Conditional Use Permit initially approved for the 20-acre property in 2017 to allow an athletic field complex for amateur baseball and softball training. The property is located on the southwest corner of 191st Street and Nall. The landowner owns and operates Advanced Baseball Academy, which trains high school and youth athletes in baseball and softball. Here is an aerial view of the property. The property is zoned RUR District, which allows agricultural uses and single family uses on minimum ten-acre parcels by right, so the property could be developed with two single family residences or be used to raise livestock or grow crops as it is currently zoned. There would be no limit to the number of animals kept or to the number of barns or accessory buildings on the property. Agricultural uses are exempt from the Zoning Regulations, so there would be no

regulation of dust, traffic, hours of operation, drainage, lights, noise, odors, any of the things that we can have some input on with Conditional Use Permits.

Article 23 contains many uses. They are called conditional uses, which may be properly allowed upon consideration in each case, among other things, the impact of those uses upon neighboring land and the community. Conditional uses produce unique and special impacts because of their location, their design, lifespan, size, the method of operation, traffic circulation, and other similar characteristics which impact on available or provided public facilities, so each use must be considered individually. Common Conditional Use Permits include oversized accessory buildings, dog kennels, contractor yards, daycare homes, and communication towers. Several of these CUPs have a business component or aspect to them.

There have been two other CUPs that I am aware of for similar outdoor baseball field use. One is located about a mile to the east on a ten-acre parcel, and one is on the southeast corner of 183rd Street and Pflumm, on a 20-acre parcel. Each of those is different. The one on Pflumm is used for competitive baseball games, and there is a scoreboard and speaker system. The field that's located to the east, about a mile away is for rent and can be used by whichever team rents the field at the time.

With conditional uses, the use is not allowed by right, so it's not permanent. The zoning on the property does not change. If approved, the Conditional Use Permit has a term limit. If a Conditional Use Permit is new to the area, often shorter terms, like five years, are given to assess the impacts. If the impacts of a use are established or well-known, the term is generally ten years. At or near the end of the term, the landowner can request renewal of the CUP. The Conditional Use Permit is re-evaluated. If the surrounding area has not changed and the conditional use has not changed, the CUP is typically renewed and given a new term. Landowners can also request to amend or make changes to the Conditional Use Permit. Any renewal, amendment or change in the use, or change to any of the stipulations approved with the original Conditional Use Permit go through a public hearing and notification process the same as an original CUP.

For this particular application, the landowner is requesting an amendment to the development plan, building elevations and some of the stipulations approved for the CUP, as well as a longer term. The initial Conditional Use Permit was started in 2016, but was not improved until 2017. There were two meetings at the Zoning Board level and two at the Board of County Commissioners level. The recommendation by the Zoning Board after both meetings was for denial. I believe there is only one Zoning Board member on this Board that participated in the initial process, and I believe Ken could attest that there was considerable participation and many hours of discussion with the Conditional Use Permit, but ultimately the Conditional Use Permit was approved by the Board of County Commissioners.

These are aerial views of the property. The first one, on the left, is from 2012. That's some five years before the CUP was approved and the current owner purchased the property. I'm showing this because the beginnings of this baseball field started in 2002, and the improvements out there today were completed somewhere between 2010 and 2012. If you look at the 2012 picture, and then look at the middle aerial, this is the 2016 view. This was about the time the applicant started using the property for training of his teams. It's my understanding that the previous owner started the field in 2002. He had four sons and three nephews, and it was a family operation for a number of years. After the sons and nephews aged out, they started allowing other people to use the fields. That included Luke Town. He started using the field around 2016.

The middle picture is when the applicant first considered purchasing of the property. The last aerial is from 2020. It was about three years after the CUP was approved. Both indoor and outdoor training were approved for the property, up to 20 teams. That's 12 athletes per team are allowed

to be trained on the subject property, not all at once. No more than 25 athletes are allowed on the property at any one time. Outdoor training is weather, school and demand-driven during daylight hours. There is no lighting of the ball fields, training areas or parking lots, so most of the training activity on the property has been in the evenings and on weekends during good weather, in the spring and fall while school is in session, and then all day during good weather in the summer when school is not in session and when the teams are not away at weekend tournaments. They are competitive teams, and they are often away. There are several periods or months when there is no outdoor training activity occurring on the property. There are no games held at the complex, so no bleachers, scoreboard, public announcement system, or concession stand. Scrimmages are allowed between teams that are also part of the 20 teams that are trained at the Academy. That means no outside teams or additional athletes.

The approved hours of operation are from 9:00 a.m. to 9:00 p.m., Monday through Sunday. All of these conditions and other stipulations are listed in the staff report and are also in the Resolution for the approved CUP. The requested amendment does not change the number of teams or the maximum number of athletes on the property at any one time. There is no change in the intensity of the use. There would be no increase in traffic or the number of trips generated from what was approved in 2017. A traffic study was submitted with the approved Conditional Use Permit. Public Works reviewed that traffic study to see if it was still valid for the amendment requested. By traffic counts conducted by the County, the number of vehicle trips on 191st Street and Nall have decreased between 2016 and 2019. Both of these counts were pre-COVID, so they are not reflective of 2020 and the pandemic, so the 2016 counts are in the white boxes and the purple numbers adjacent to them are the revised 2019 counts.

It was determined that the previous traffic study is still valid, because the number of athletes and the restriction on the maximum number of athletes at any one time are not changing, and although the traffic pattern will change with construction of the building and there will now be traffic on Nall with the indoor training, both arterial roads have the capacity to accommodate the additional vehicle trips generated by the training facility.

The stipulations of the approved 2017 Conditional Use Permit included making improvements for use of the property for outdoor training. The aerial on the right shows what has been done. The drive approach from 191st Street was paved and built to commercial standards. There was a portable toilet placed and screened on the property for wastewater disposal. Landscaping was installed along the west property line and along the west and north sides of the existing gravel parking lot to buffer and screen views. These improvements have been completed, and the ABA has been conducting outdoor training in conformance with the initial CUP for more than three years, almost four years now. I would like to note that the outdoor training will continue after the building is constructed so the improved entrance on 191st Street, the gravel driveway and the parking for the outdoor fields will remain.

This is the approved development plan. There was a 24,000-square-foot building shown on the approved site plan, and the building elevation and perspective of that building. The approved site plan showed access to the building from Nall. A new driveway was shown for construction at the top of the hill. Nall was constructed then as it is now, as a gravel road. There was considerable discussion of the access from Nall, safety and dust. A lot of attention was given to these concerns, and after consideration and discussion, the building and access were approved. To be clear, the 24,000-square-foot building for indoor training could be constructed in the location shown on the approved CUP. It would be on the side of the slope and would require more cut and fill and would be slightly less tall and look a little bit different than what the applicant is requesting now with this amendment, but it is approved and could be built.

The driveway on Nall has been constructed in the approved location. The applicant applied for an entrance permit for the new driveway and also to improve the driveway at 191st Street as stipulated with the approved CUP. Site visibilities were submitted for the driveways. There was some brush cleared to the west of the entrance from 191st Street, but there were no permanent obstructions. The new driveway on Nall, as noted earlier, is at the crest or the top of the hill, which is in the best location for site visibility. I will note that if the amendment is approved, about 100 feet of the existing hedgerow close to that driveway on Nall will be cleared to improve site visibility of the new driveway.

The site plan and building elevation approved with the CUP in 2017 were conceptual, not really detailed, but they were complete enough to show the extent of what was being approved. The lack of detail is one of the reasons why there were 25 stipulations or conditions staff recommended for the initial CUP. In my experience, it is not uncommon with Conditional Use Permits for the focus to be on the use of the property, as opposed to the details of the construction. Landowners typically want to make sure that the use is approved before they invest money in the plans and for the property. In this case, the sale of the property was contingent upon approval of the CUP, so there was a lot to this one. The development plan approved in 2017 included a straightened right field of the existing ballfield, adding a future practice field, and constructing a future building for indoor training. What the plan doesn't show is how the building will meet building codes. It doesn't have a fire lane. It doesn't show how much cut would be needed to locate the building on the side of the slope, how stormwater would be addressed, what the north and west sides of the buildings would look like, how the backstop for the future field would be located underneath the overhead transmission line. The development plan and building elevation were schematic, and just didn't provide that detail.

I've been asked why the landowner hasn't built the building before now. Why did he wait almost until the end of the five years of the initial CUP was approved for? I can attest that he has submitted for a building permit twice before, and the permit was denied, because the building was not in the location shown on the development plan, and the building was different than what was shown on the elevation and perspective with the approved development plan. I explained to him the changes would require an amendment to the development plan, so that's what he's doing here today. With the amendment, improvements would be phased. Phase 1 would consist of the new building for the indoor athletic training. Phase 2 would be the straightening of right field as shown on the approved CUP and also the expansion of the outfield. Phase 3 would be the construction of a smaller field near the entrance from 191st Street for a softball field. The new field was shown on the approved development plan, but in a different location. The new field would use wooden poles and netting instead of a chain link backstop.

The building footprint on the amendment is 60 square feet smaller, so it's 120 x 192 feet instead of 120 x 200 feet. The building would be 162 feet closer to the south property line. There would be 50 spaces on the east and south sides of the building instead of 40 spaces that we stipulated. There would be two floors at the building entrance on the east side instead of one floor level. The building would be 30 feet tall instead of 25 feet tall. The 25-foot building height stipulation of the approved CUP was based on the elevations that the applicant submitted. The maximum height in the RUR District is 30 feet for accessory buildings, and that's what the applicant is requesting. There would be a flatter roof pitch, so the side walls would appear taller. There were three cupolas shown on the original plan that extended above the 25-foot-tall building. The proposed building does not include cupolas.

The front porch or awning over the building entrance facing Nall would be smaller and off-center. There would be upper windows, and lower windows would be grouped to the north instead of evenly spread across the front east façade. The lower windows would wrap around to the north

elevation. There are no other windows on the building, except for on the north and a few on the northeast corner. The wainscot, the darker panels located near the base of the building, would be taller than shown on the approved elevation. This visually helps break up the building mass. The number of overhead doors on the south elevation would be the same. There are two large and one small. There would be two overhead doors on the north elevation and one on the west. There are large ventilation panels shown on the south and east elevations and there would be a sign on the east, which is the front elevation.

The only lighting on the exterior of the building would be full cut-off and be limited to only what is required per building codes. Fixtures would be mounted as low as possible, no higher than 16 feet, and would be filtered to remove the blue or bright white color. The applicant submitted cut sheet information for the light fixtures, and also information for the metal wall and roof panels. There was a stipulation that the wall and roof panels be insulated to buffer sound of the indoor training. The applicant provided that information, and it was attached to the staff report. There will be grading and tree removal with the proposed amendment. It's not clear the extent of the grading and clearing that would have been associated with the approved development plan.

Here's a rendering of what the building would look like. This is the east façade, the signage, the front canopy. The grading, the areas that are shown here with the slight yellow color, that is where the grading will be. This graphic shows an aerial with the existing improvements on the left. That's how it is now, and this is what the applicant is proposing to do. Many of the undesirable volunteer trees in the southwest corner of the property will be cleared as a borrow-and-fill area with the proposed construction. Many trees along the west and south property lines will not be disturbed and will continue to provide screening and buffering.

The approved CUP has a five-year term, which is valid until May of 2022. The amendment includes a request to extend or renew the term. Staff reviewed the surrounding area. There have been no rezoning or changes in the surrounding zoning or uses. A new single family home has been constructed to the west on an existing platted lot, so there is no changes in the zoning or uses in the surrounding area that would make the athletic field complex no longer compatible with the very low density rural residential and agricultural character of the area. Staff also found that the proposed modification to the development plan and building elevations do not contradict the spirit and intent of the Development Plan and building elevation approved in 2017. Construction of the building will allow for indoor training on the property as approved in 2017, and will provide for permanent wastewater disposal and potable drinking water.

There have been few complaints and minimal detrimental effects to nearby properties over the almost four years following approval of the CUP. Detrimental effects have been primarily visual, from the portable toilet and noise from the use of aluminum bats. Initially, staff received complaints about the location and appearance of the portable toilet and the enclosure that the applicant built and that landscaping had not been installed. For the first year to year-and-a-half, staff performed quarterly site visits to check on the health of the landscaping materials installed, all of the plant materials shown on the approved landscape plan were installed and as a few have died, the applicant has been replacing those. Staff received a complaint that cars were being parked on grass and not in the gravel parking lot. We spoke with the applicant, and he has monitored how the parents park after that. The applicant or the applicant's father cleared some volunteer trees and poison ivy from the area near where the building was shown on the approved plan. This was unpermitted land disturbance. When staff contacted the applicant, he immediately installed the proper erosion control fencing and seeded the area to prevent erosion. There have been no complaints for the last two to two-and-a-half years on the property.

Again, there's no change in use or operation of the ABA, as stipulated in 2017, except for the term limit. The requested amendment satisfies the standards for issuance of CUP in Article 23. Staff is recommending approval of the amendment of the CUP with stipulations. I did this a little different than usual. Starting on page 12, I provided all of the stipulations of the 2017 Resolution and struck through wording that can be removed, or I recommended new wording. I also provided a narrative in italics as to why wording was being removed. Some of the previous stipulations have already been addressed, and can be removed entirely, like number 14, number 18, number 20, number 21 and number 25.

I would also like to note that I have received numerous emails and letters over the last few weeks. The emails were primarily from neighbors to the subject property and were in opposition to the proposed amendment and extension of the term for CUP. They expressed concerns about additional traffic on Nall, dust from the gravel road, traffic using 194th Street to access the new building, the new driveway on Nall being in a blind spot – many of the issues that they had with the initial CUP request, but they also expressed concerns about visual impacts of a taller building and drainage from the building relocation. I'm sure a probably missed a few of those concerns, but I've tried to address the main ones in my presentation tonight. There are also Public Works staff and Legal staff here to answer any concerns that I might have missed, or ones that you want to raise tonight.

There were a couple of emails from neighbors that were in support of the CUP, and we have that. Then, I received a lot of letters that were written by players, both boys and girls, their parents, their grandparents, coaches, the players' teachers, and even a school counselor. All expressed personal and passionate reasons why the training and coaching provided by the applicant impacts them and why they support the proposed amendment. Most of the letters were from residents in Johnson County. There were a few from Stilwell and a few living in another county, or actually in Missouri. I've scanned and forwarded all of the correspondence that I've receive, except for one that I received at 6:19 this evening. I've sent those to the Zoning Board. With that, I stand for any questions you have for staff.

Ms. Rast: When I was looking through this, can you give more clarification on the attendance on the property? Because in one spot, it says, "This Conditional Use Permit shall allow the training of up to 25 athletes on the property," but then in another time, the newer one, it talks about 25 athletes conducting outdoor training at any given time. So, is it 25 on the entire property – inside/outside, including parents, siblings? And then also, just from my past experience, a lot of times the coaches expect the kids to arrive 15 minutes early for their practice time to warm up, be ready, so there's that overlap time. Are they going to have sort of a dead period in between practices to allow for that overlap? How are they going to manage 25?

Ms. Hayhow: Certainly. We had that discussion. There are 12 athletes on each team, and 25 allows for that overlap of the times between teams coming in and out of the property. The 25 is the maximum on the property, whether it be indoor or outdoor.

Ms. Rast: So, does that need to be changed, as far as the wording? Because the wording how you have it just says, "outdoor training at any given time," versus in all the past information it specifically says, "25 athletes on the subject property at any given time." So, does that wording need to stay consistent?

Ms. Hayhow: Yes, it needs to stay consistent. I will check that.

Ms. Rast: And that also means if they're doing private lessons or if parents are going to watch? Because parents always like to watch. Is there any restriction as far as how many people can be there outside of athletes?

Ms. Hayhow: No. It's just a restriction on the number of athletes.

Ms. Rast: Thank you.

Ms. Hayhow: Kelley, where are you seeing the 25 for outdoor training?

Ms. Rast: It's in that section, it doesn't have a page number on it, but it starts where it lists the major changes. It says 1,2,3,4,5,6. Then it says term approved. Then it says limits. That's where it doesn't specify on the property, and just outdoor.

Ms. Hayhow: Certainly. They've only had outdoor training to this point, so that's probably why I used the outdoor reference in that spot. If you look back into the stipulations that were recommended and approved in 2017, it does not include the outdoor reference. It's just 25 athletes, period.

Ms. Rast: Okay, yeah. That's what I was just confirming.

Ms. Hayhow: Thank you.

Mr. Pendley: I think what Kelley may have noted was from the applicant's narrative. I think that statement came out of the narrative. But as Pamela noted, the stipulation reads specifically 25 athletes on the entire property at any given time.

Ms. Rast: Okay, thank you.

Chair Loyd: I'd like to drill down on that discussion a little bit more. So, the 25 is for 12 practicing and their practice getting over, so that's including the overlap, right? That's shift change, right?

Ms. Hayhow: Yes. That was the intent of having the 25 at any time. That would account for a second team showing up to the property before the first team has cleared.

Chair Loyd: Where I just was wanting to go with that, I just want to make sure that we don't have unintended consequences or too restrictive of a minimum. If that allows for the field, and if you're going to have a building that big, you're going to have people in the building as well. So, if you're counting the people on the field and the people in the building, and then you have a shift change, I don't know that that 25 is the right number.

Mr. Pendley: I don't know. Pamela, is there any possibility...? I guess this is something that we may want the applicant to clarify.

Chair Loyd: Right.

Mr. Pendley: But I don't know if that would warrant any other kind of change to the stipulation on the number of athletes. I think they are still willing to work with that number for the athletes, but that may be something we may want the applicant to clarify.

Chair Loyd: Perfect. Okay, thank you.

Mr. Klingensmith: I've got a lot of questions. First, Pamela, if this is approved by the County Commissioners – because again, this Board is a governing advisory board – what's the timeframe that the applicant will start construction, and when will it end?

Ms. Hayhow: When will they start construction and when will it end?

Mr. Klingensmith: Yes. Is this a six-month project that will happen in the next...? Maybe it's an applicant question. If the applicant is there, could tell him, please, I want to know, when do you plan to start? How long will it be in a construction site environment, and when will it end? If you could go to slide six. No, that's not it. Maybe slide 10. That one right there. Could you elaborate on the purpose for the grading of the vegetation to be removed on the lower left corner of the

document? I understand right next to the building, but what's the purpose of removing all these trees down in the lower left?

Ms. Hayhow: Ken, I asked the applicant that, and I think that Steve LaCasse will probably be able to answer that better than I can, but his response to me was that that clearing was necessary for cut and fill that would be used for the building construction.

Mr. Klingensmith: So, is it reasonable to state that, if they're using that for cut and fill for the building location, that that can get replanted completely, to create more of a shield to the neighbors to the west and south?

Ms. Hayhow: That would certainly be up for discussion. Most of the vegetation down there is voluntary growth. I don't know if you can see, over the years, how it's just kind of filled in. It's very thick. It's not desirable trees right now, and it has a lot of poison ivy in it. I don't know what the applicant has planned for how to landscape that, but that is something that you can certainly ask him.

Mr. Klingensmith: Did the applicant provide a landscaping plan for the property?

Ms. Hayhow: We have an original landscape plan that was from 2017. Those trees have been planted. Then there was a landscape plan submitted with this latest request. It shows the required landscaping for the parking lot as well as some street trees along Nall. The majority of the required trees along Nall are being provided with the existing hedgerow. They're not intending on removing the whole hedgerow along that frontage. But yes, there was a landscape plan submitted.

Mr. Klingensmith: Did that include more screening to the west side of the property along the exterior where the gravel entrance is off of 191st Street, to increase additional screening there? And up as you get close to the building. Do you know?

Ms. Hayhow: It did not include additional screening along the west, the driveway and the parking. There was landscaping installed in that location with the original CUP. And then there were evergreen trees along the west property line itself for the area outside the overhead transmission line. They also provided low level landscaping that KCP&L would allow to be within that easement to provide screening, but it's not trees. It's more of a shrub landscape.

Mr. Klingensmith: This building size is a tad bit smaller than the original building size. Is that correct?

Ms. Hayhow: That is correct. It's 60 square feet smaller, 8 feet shorter.

Mr. Klingensmith: So, why did we go from 40 parking spaces to 50 parking spaces? I comment on that, especially since the County Commissioner minutes indicated that there was representation that the 40 was sort of the minimum standard that was required, and that he would not even be using anywhere near those 40. The reason I ask the question is I would prefer to create a waiver of that minimum infrastructure standard of the number of spots he needs to maybe more right-size that to allow for more vegetation and landscaping to be put in there instead of parking spots. I just wanted to get a comment or thought on that.

Ms. Hayhow: Okay. The parking lot is gravel, so the spaces are not striped, and when you're in that environment people tend to take more room to park their vehicles. That's one thought why – the spaces will not actually be striped. They're just shown striped on the plan for representational purposes. The applicant also thought the additional spaces would keep people from trying to use the fire lanes as parking around the building.

Mr. Klingensmith: With a commercial style building like this, is there not a requirement to have an asphalt or cement parking of that lot, and would that not help cut down on any type of dust by having a requirement that, "Hey you need to asphalt 25 or 30 parking spots you're actually going to use, and landscape the rest?"

Ms. Hayhow: You've got a couple of things in there. The use is not considered permanent. It's a conditional use, so we weren't looking to bring it to commercial buildings standards throughout. He is constructing the building as a commercial building because we're going to have members of the public in it. We do that with horse boarding stables. There's certain uses that they're allowed with conditional use, so they're not commercial, but we do have them constructed to commercial standard just for safety reasons, and that's why this is being constructed to commercial standards. We really look at the parking lot and this whole use as not a permanent use, so we weren't looking to pave the parking lot.

Mr. Klingensmith: If possible, I would like to get the applicant to comment on it when it's the appropriate time to see if he would asphalt, reduce the number of parking spaces, plant a few more trees and landscaping. I appreciate that it's a Conditional Use Permit but he's building a building. He's not going to knock it down and tear it down. So, I think, to me, that seems like something that should be an asphalt type of property would be good there. I know I can continue. Is that okay, Chairman Loyd?

Chair Loyd: Yes, absolutely. Keep going.

Mr. Klingensmith: So, when we look at Nall, that is a gravel road. I've traveled that road. I know today it's not got a lot of dust on it just because there's no rocks, but as soon as we put rocks down again that can get to a point where you can barely see if you're following another vehicle in. Has there been any discussion about if the County plans to improve that strip, maybe even up to the building? I also am familiar with our gravel dust control plan that we had instituted in the unincorporated area, where we were putting cement-like surfaces of the magnesium chloride that would be put down that would eliminate dust, where the County would pay for part of it and the landowner was paying for part of it. I just want to see if you can comment a little bit on dust control. I'm not as concerned about the entrance to the practices fields that have been existing, but I am on the Nall component and the infrastructure support for the traffic into this building.

Ms. Hayhow: I'm going to defer to Public Works.

Mr. Lage: A couple thoughts on that, Ken. Thanks for the questions. The issue on the dust control, we do not require dust control. We do have the volunteer program that the County offers but we have not been contacted by the property owners specifically for dust control. As far as Nall Avenue being gravel and the ability to handle the traffic, even with the worst case scenario of all the traffic being on Nall, the traffic would still be well below the vehicles per day that we would use as a basis for improving Nall to an asphalt type road.

Mr. Klingensmith: But it is possible...? Because I still think the dust, the visibility, is an issue. Is it possible that we could inquire or see if he would be willing to participate in the magnesium chloride volunteer program and potentially help do some of the road improvements on Nall up to the entrance of this facility? I'm kind of thinking back to some of the road improvements that the County Commissioners required of another project in Stilwell that were kind of built in, saying, "Hey, you don't have to do these in year one, but we wanted to get these additional road improvements over on 207th Street."

Mr. Lage: Sure. The difference there was the project there on 207th was commercial property, versus this is rural, so our regulations do not require upgrading Nall Avenue, since it's rural and not commercial.

Mr. Klingensmith: But the applicant does have the ability to participate and the County has used the magnesium chloride on the unincorporated roads for gravel and dust control, and that actually has happened there and occurred.

Mr. Lage: We have used it with properties where someone is living. We've had some discussion internally, Ken, about whether we would apply this to a business, if you will, versus a location of a home, but definitely it's something we can consider.

Mr. Klingensmith: Okay, so just to restate, the project on 207th Street was commercially zoned property, that piece. This is rural, conditional use, even though we know once you build a building you're not going to tear the thing down. And the ten-year conditional use allows us to come back re-address issues or concerns and things that we're having, but if the applicant could just address some concerns for folks arriving. It would be nice if we can control some of the dust on Nall. I've driven it, and once we get new rock down, we need to do something. I understand about the County, but potentially between the County and the landowner, we can at least get improvements up to the driveway from 191st Street that lowers the dust that would be occurring here. The number of players, everything is changed, so the 2017 traffic study would still be applicable for the 191st Street and the Nall Avenue, which I think, Kent, you just commented on?

Mr. Lage: Yes.

Mr. Klingensmith: That's still applicable and has no material change to that?

Mr. Lage: Correct

Mr. Klingensmith: Okay. One of the other things I guess I want to ask the applicant, but...Actually, I'll leave that one for the applicant. Does this...? I'm just going to ask real quick, Pamela, you had talked about you had done quarterly site visits to help ensure that the large number of stipulations- which we had originally 24 or 28 stipulations – I know some of those stipulations had been removed because they've been completed. I appreciate that the owner had corrected the stipulations, but are we still planning to do, after we renew this, quarterly site visits to ensure compliance with the large number of stipulations?

Ms. Hayhow: We did that initially just because there was so much opposition and concern that things needed to get...There were timeframes on when things needed to be planted and how things were to be located. We hadn't really given it much thought to continuing those. I'm certainly willing.

Mr. Pendley: Thanks for the question, Ken. These types of inspections have been requested for other Conditional Use Permits. Just as an example, there was another one, you may recall last year, for a dog kennel. There were considerable neighborhood concerns, and the ultimate decision on that Conditional Use Permit was an annual inspection, just as a comparison. We don't typically incorporate an inspection on a Conditional Use Permit, but if the Board or the Commission feels that that is appropriate, that would be something that could be recommended that, as an example, there were annual inspections. That's something that could be considered as a term or a condition of the CUP.

Mr. Klingensmith: Thank you. Pamela. when we're looking at the building, where are the exterior utilities for air conditioning and the noise from exterior units going to be coming from?

Ms. Hayhow: I'm going to let the applicant answer that. Steve LaCasse will be able to answer that beautifully.

Mr. Klingensmith: Okay. I do want, in stipulation number eight, where we talk about the lighting stipulations, I am going to ask that we have specific reference that the lighting will adhere not only

to the County but also the lighting guideline of the Stilwell Community Plan. Stilwell does have guidelines for lighting that have been adopted and approved, and I want to ensure that this property specifically adheres to those lighting standards and guidelines for Stilwell.

Ms. Hayhow: Okay.

Mr. Klingensmith: I think those are my questions of staff at the moment.

Chair Loyd: Thank you, Ken.

Mr. Schlesselman: I have a question. I believe it's going to be for Kent. In regard to his February 24th report, what options were there for creating only the 191st Street entrance and eliminating the Nall access? You indicated that there's a willingness on the owner's part to present some options. I'm curious what options are those?

Mr. Lage: Pam, is that something for you?

Ms. Hayhow: I'm not sure. Ed, are you referencing the minutes from the 2017?

Mr. Schlesselman: February. Kent's report dated February 24th. Item one.

Ms. Hayhow: Is that the letter in response to whether the traffic study was still valid?

Mr. Schlesselman: Right. Just a memo concerning road and traffic use [crosstalk] –

Mr. Pendley: Yeah, it was a memo with Public Works comments.

Mr. Schlesselman: Yes. If you don't mind, I'll read it. "Given that if the applicant is willing, there are offsite driveway access options to eliminate the need to take access off Nall and instead consolidate all access off the entrance on 191st Street." My question is, what are those options?

Mr. Lage: That was from our 2017 CUP, is that correct, Ed?

Mr. Schlesselman: It's dated February...It's a memorandum from [crosstalk] –

Mr. Klingensmith: Actually, it says "in response to questions regarding the 2017 traffic study."

Mr. Lage: Yeah. I'm at a little of a loss from the specificity of that, from 2017 and what the...I apologize. I can't come up right now with what those options, what the thought was behind that.

Mr. Schlesselman: The only reason I even ask is just a quick check of jocosheriff.org statistics, that intersection at 191st and Nall is somewhat dangerous. Had a fatality there about five years ago last month. In and around that intersection there's been an injury accident and then six non-injury accidents over the last few years, again, in and around that intersection. I'm not so sure I believe a Nall Avenue access is appropriate off that gravel road, and I guess I'd be, as a parent or a concerned neighbor, especially with teenage drivers that might be attending this Academy, the risk they might present, or anybody, with the number of cars that would be going in and out from two different points. In particular, that intersection at 191st and Nall, it's known to be dangerous. I don't know that necessarily safety was all that much factored into your traffic study. That's usually traffic volumes as opposed to safety, but correct me if I'm wrong. But I'd be interested in hearing...And maybe that's what we'll need to ask the applicant is what options are there to only have 191st Street entrance? You eliminate the Nall Avenue access.

Mr. Klingensmith: I want to kind of run off what Ed just commented on, too, is if we're not having access off of 191st Street access and you're coming off of Nall, there should be...We need to really look at that intersection. It is not a four-way stop, and I'm proposing that it should be a four-way stop, but I do agree that that whole Nall Road and that intersection and dust, I have concern with that. And without it being improved.

Chair Loyd: Ed and Ken, thank you.

Ms. Rast: I just have a couple other questions. I can't remember where I saw it, but if someone could just clarify on this – did it say somewhere that in the original CUP that the owners have the option to build a future house on the property, their own home?

Ms. Hayhow: That is correct. The property retains its RUR zoning, so if the applicant chose to build a home on the property and it did not conflict with the improvements related to the baseball and softball training, a home would be allowed on the property.

Ms. Rast: Okay, so the home on the property could be additional to everything else that's already there?

Ms. Hayhow: That's correct.

Ms. Rast: Okay, and then –

Mr. Klingensmith: Kelley, could I just...I don't mean to interrupt you, but could we grab slide number two? Because when I look at this, this place is limited by railroad tracks, power lines, it's on a corner, you've got overhead power lines. Where on earth would we put a house? I just want to follow up, Kelley, and stay on that thought real quick.

Ms. Rast: No, that's good.

Mr. Wingert: If the property were re-purposed, there's places you could put a home on there, but your point is well taken.

Mr. Klingensmith: Looking at this image, my kneejerk, uninformed, not my area of expertise, would be it would have to be to the north of the building.

Ms. Hayhow: In this area?

Mr. Klingensmith: Yes.

Ms. Hayhow: Well, this is 20 acres, so it's a large piece of ground. He is clearing area in this part of it, so it's not going to be as heavily vegetated. This is Mr. Scanlon's home here, and it's a very large home, but if you can see, the footprint of that home, you could visualize it.

Mr. Klingensmith: All right. I was just curious.

Ms. Rast: And I do remember when I was reading it, they said that probably the purpose to have the house there too, would be to oversee the property and the activities on the property, so I'm assuming it would be in conjunction with all of that. But then you have to watch, too, that they don't get rid of all the vegetation that's supposed to be used for coverage for the property. They could still use more on the south side. The people who are driving into their home, they really don't have any cover the level of where their house is where it's open. My other concern with that, too, is the building site. Do you know how much higher that land is compared to the neighbor on the west side sits? Because it really makes a difference if you sit substantially lower than another object, and you're looking up at it, it can almost double in size on you. It doesn't matter how much trees you have. It's going to be sitting up on the top of a hill. Do you know what the elevation is compared to the neighbors' homes – both of them, the south and the west homes?

Ms. Hayhow: I would have to look that up for you, Kelley, but I believe there's not much elevation to the west. Now, to the south, I know the property slopes down towards the Houskas house there, but I don't know what the changes in elevation are. I could find that out.

Ms. Rast: Okay.

Ms. Hayhow: Let me try to do that while you guys talk.

Mr. Pendley: And I believe the applicant could also provide, they might have a better feel for that for the topo of the site.

Ms. Hayhow: Okay.

Mr. Wingert: Could you put up the phases of construction slide? Was this in our packet that we were sent?

Ms. Hayhow: I do not believe it was.

Mr. Wingert: So, is the intent to do Phase 1 and then Phase 2? Or is this all going to happen at the same time?

Ms. Hayhow: You can ask the applicant on this, but I believe there would be time differences between the phases. I know they want to get the building completed first, then second, the extension of the outfield and the straightening of right field. I believe the softball field is much further down the line, but I would really prefer the applicant answer that question.

Mr. Wingert: I saw that there is no concession stand. Are concessions allowed to be sold on the property? Food and beverage, I should say.

Ms. Hayhow: I'm thinking back to our 2017 discussion, and I believe they mentioned maybe having a vending machine inside the indoor training facility, but not for a concession stand atmosphere.

Mr. Wingert: I wanted to follow up on Ken's questions about dust control and Nall Avenue, and maybe from the individuals from Public Works. What's the approximate ballpark cost to put dust control measures down for the applicant if we went to the entrance of the property? Is it so much per foot? What are the options there for the applicant?

Mr. Lage: Brian, do you happen to have the cost information on dust control?

Mr. Pietig: I think it's about \$600 for 400 feet.

Mr. Lage: That's total cost, right?

Mr. Pietig: Yeah, that's the total cost.

Mr. Wingert: Is that an annual cost, or is that a one-time cost?

Mr. Pietig: You pretty much need to do it every year. That's for 400 feet. I don't know how far that entrance is.

Ms. Hayhow: I believe it's about 800 feet.

Mr. Klingensmith: And I believe – just to clarify with that, Brian – the County in the unincorporated areas, we're looking at you split half of that with the resident and half with the County, so the applicant would only be required to pay half of that, and then the County would pick up the other half. Is that still -?

Mr. Pietig: We pay for half of 400 feet and any additional, you pay 100 percent.

Mr. Klingensmith: Okay, so it's not half of every 400?

Mr. Pietig: Correct. One 400 shot per property, so to speak.

Mr. Klingensmith: All right. I wanted to clarify on that.

Mr. Wingert: So, there were a couple different options that Ken mentioned in terms of dust control, but for roughly we're talking about the applicant for approximately \$600 to \$800 could do an effective annual dust control from the perspective of the Public Works team on the line?

Mr. Pietig: They could.

Mr. Wingert: And that would significantly address the concerns about the intersection, both intersections, right?

Mr. Pietig: The concerns that the Zoning Board has?

Mr. Wingert: Yeah, well, there's been a lot of discussion tonight about the dust at the entrance to the parking lot off of Nall, and then concerns about the dust from, it would be north wind, I guess, that would go into the intersection, to make the intersection more dangerous, but that would solve that problem. Thank you, Mr. Chairman.

Chair Loyd: Thank you, Fred. Any other questions for the staff from the Zoning Board members? [None] Okay, now it's time to hear from the applicant.

Steve LaCasse, TGB Group, 10125 Berwyn, Wakarusa, Kansas, appeared before the Zoning Board via Zoom, and made the following comments:

Mr. LaCasse: Mr. Pete Heaven who is also on the team, is here.

Pete Heaven, 6201 College Boulevard, Overland Park, appeared before the Zoning Board via Zoom, and made the following comments:

Mr. Heaven: I represent Luke Town. Some of you were around, some of you weren't around in 2017, but Luke has been a coach of what they call Transformational Coaching for about 30 years and has done a wonderful job in the county. The underpinning of his coaching is integrity, health and responsibility, and he's won many awards for it. In 2017, we asked to be able to prove our case, and as Ms. Hayhow indicated, the last two-and-a-half years, there have been no complaints about this facility – dust, noise, the many fears that people expressed in 2017. That's the reason we're coming in tonight to try to amend the CUP, not to change the use, not to change the occupancy, not to change anything about the operations, but merely move the building to a more suitable location and make some other relatively minor infrastructure improvements. I guess the reason I say this is because I want you, I hope that you can all understand that we're not here to debate dust tonight. That was debated in 2017, and the County Commission decided that dust was not an issue. Now, having said that, we will participate in a dust control program. I just spoke to Mr. Town, and he said he would do that, so we'll address that. But I'd like to stay on task tonight on the actual amendment and not re-try the uses. With that, I'm going to turn it over to Steve, who is going to walk you through the amendments and some of the things we plan to do. Steve?

Mr. LaCasse: I work with TGB Group. I don't know if I can control the screen or not, but I'll just narrate some of the things that Pamela already mentioned.

[Mr. LaCasse sharing his screen]

Mr. LaCasse: Some of the physical changes proposed. I have the existing CUP on the left side of the screen, and the proposed CUP on the right side. [inaudible] the physical changes, this softball field is positioned on the power line in the easement, so we're moving it...

[adjusting audio]

Mr. LaCasse: Okay, on the left side of the screen is the existing CUP that's in place right now. The right side is the proposed application. Here's the softball field on the existing permit, moving it 160 feet west to get it out from under the power lines. It was included in the original permit to have this outfield fence a little further out, and we're going to do that now, at this time, [inaudible]. The building, we are proposing to move it 160 feet south from the position on the prior permit.

That allows us to do some BMP right here for more quality. It also allows us room to have the proper fire lane.

[adjusting audio]

Mr. Pendley: If you could describe again the proposed changes, that would help.

Mr. LaCasse: Okay, we're proposing to move the softball field 160 feet west from this location to that location to keep it out from under the power lines. We're proposing to build the outfield fence further out. According to the original permit [inaudible] built that way and also proposing to straighten right field. The building is positioned 160 feet south from where it was shown on the prior permit, and the reasons involve being easier to grade it here to make room for a stormwater quality feature and easier to have a fire lane out. Then, as noted earlier, increase from 40 stalls to 50 parking stalls. As noted earlier, we are going to increase it from 25 feet to 30 feet tall. Since this will be essentially our renewal, we'd like to ask for a ten-year renewal period this next permit period. The only other thing is a rainwater storage tank that was free-flowing right at this location, to collect water from the building to a storage tank in this shed. Those are the major changes.

A lot of questions have been asked. I can try to answer some of those. I've been taking notes. As far as elevations of existing houses nearby, it appears that the house to the west, the front of that house is around one to two feet lower than this building. The house to the south would be around 17 feet lower than this building. I was asked about the air conditioning unit. The air conditioning units are approximately where I'm pointing. On the north side and the south side, approximately 130 feet away from Nall. As far as the grading, we are grading a significant area, and that is to gain borrow dirt. We are planning to keep at least 25 feet of trees on the west side and at least 100 feet of trees on the south side, not cut into those. Our plan was to re-establish that graded area with turf, just to prevent erosion and whatnot. We have no plans to plant trees, because the general public would still be looking at the 25-foot buffer on the west side and the buffer on the south. I'll close and hand it back to Mr. Heaven. I'll be available for questions.

Chair Loyd: Okay. Anyone else representing the applicant, do you guys want to continue, or do you want to wrap up your presentation?

Mr. Heaven: Thank you. We'll conclude our presentation at this point. I do want to compliment Ms. Hayhow. She did a good job of giving us all the facts and figures and the history. It certainly has been an interesting one. I think we've addressed all of the questions asked by the Board, but if there are any additional questions, please let us know. Mr. Town is also available to answer any questions you might have.

Chair Loyd: Okay. Thank you. Then we will move from this, we're going to move to the public commenting section. Just a reminder to the Board, we still have one more question segment left, so we're moving to the public comment period. Yes, Ken?

Mr. Klingensmith: Can we ask questions of the applicant?

Chair Loyd: I'm sorry. I got ahead of myself. Yes, go ahead, Ken. My mistake. Questions for the applicant.

Mr. Klingensmith: Mr. Heaven, thank you for being here with us this evening. Pamela, if you could share your screen and have the slides back up it would be phenomenal. I wanted to kind of lead off of Ed's question. Was there any consideration to not having entrance off of Nall and having the entrance off of 191st Street?

Mr. Heaven: No. We have always maintained, and the original Conditional Use Permit shows that we were supposed to have an entrance off of Nall.

Mr. Klingensmith: Okay, and then, I did just want to comment also that, in my opinion, the applicant is seeking a Conditional Use Permit renewal, and for me that opens up the conversation on dust control and other items, because if you're just looking to move the building and stay within the current Conditional Use Permit, to me, I would say it doesn't open the door, but with the upcoming renewal, that's where I think that does open the door and allows us to kind of debate or take a look at those items as well. I just wanted to make that comment on there. Did I hear correctly that you're agreeing that you would look at potentially doing the magnesium chloride that creates a cement-like structure with the County between the entrance and 191st Street on Nall, to help control some of the dust on that component?

Mr. Heaven: That's correct. Yes.

Mr. Klingensmith: Then, I would comment that with that improvement that limits the dust, is that something they would be able to maybe...? If you could provide comment on the comments I made about the concern of the asphalt parking lot versus a gravel parking lot? Reducing the parking spaces, having more landscaping, if you had any thought on that?

Mr. Heaven: Sure. The reason that we asked for 50 spaces is because of human nature. When you have a gravel parking lot that has no stripes, people don't tend to park in as orderly a fashion, shall we say, as a striped asphalt parking lot. We could reduce that to 40 as we originally agreed to. The cost of an asphalt parking lot, though, is prohibitive. We simply can't do that.

Mr. Klingensmith: Would you consider the magnesium chloride, spraying in there as well?

Mr. Heaven: We will commit to doing dust control on the parking lot. I'm not sure what form that will take, but we will commit to doing dust control.

Mr. Klingensmith: Then I also think, in reading a lot of the correspondence and the concern that I had was looking at the folks that are supportive of the project and looking at the locations, most of them are coming from the north, Spring Hill, Gardner, Shawnee, different areas. I know there's been a lot of concern about 194th Street traffic, and folks from the south may be cutting across 194th Street and then shooting up Nall. I'm thinking that if we have a potential dust control program or partnership with the County, we improve Nall to be that cement-like structure using the magnesium chloride, that it's going to encourage both not going down 194th Street and hitting gravel road, but would actually encourage folks to potentially use 191st Street through Nall to enter the building. So, I think those improvements also would alleviate the amount of traffic on 194th Street, hitting a dirt road to get to the building, as opposed to a non-dust option.

Mr. Heaven: I'm glad you raised that. Excuse me. We are also going to place a "No Right Turn" sign on our driveway, as you leave the premises and you reach Nall, it will say "No Right Turn." Luke is also going to put signs in the building, asking folks not to go south on Nall, and he will also have that posted on his website.

Mr. Klingensmith: Thank you. I appreciate that clarification, because I know that has been several of the concerns that have been presented.

Mr. Heaven: Sure.

Mr. Klingensmith: There was some narrative related to back in the Commissioner's notes. I thought I printed it out right here. There was some conversation about wooden bats, metal bats, used outside, what time of day would metal bats or wooden bats be used. What are your comments related to bat usage, mainly from a noise, pinging sound, concept?

Mr. Heaven: I'm going to hand this off to Luke for that. That's way above my pay grade, but if we could open up the microphone to Luke, he is on the line.

[connecting to Luke Town]

Luke Town, [no address given] appeared before the Zoning Board via Zoom, and made the following comments:

Mr. Town: Thank you. The question about the wooden bats versus aluminum bats?

Mr. Klingensmith: Wood bats, metal bats, pinged into the late hours. Just, is there a preference...? I thought I had read some narrative in the Commissioner comments and notes about it back in 2017, and I just wanted to get some feedback, because I know that has been a concern as well.

Mr. Town: As of right now, we don't really use the batting cages that much. I primarily encourage the older boys. The older boys have to use wood bats, because most of the tournaments we showcase and stuff we play are wood bats. Older boys, meaning 14 or older. The 13s and 14s are also encouraged to use wood. The younger boys, the 8 through 12, it's really kind of hard to find a wood bat. Wood bats don't last very long for little kids, because they don't know how to use them. There's not that much hitting that goes on on the field, other than fungo hitting, like the coaches hitting fly balls, ground balls, that sort of thing. So, most of the time what we use with them is wood or composite. There's not a whole lot of pinged bats out there, and there hasn't been a whole lot of pinged in the past three years, four years, out there. With the facility being constructed, there will be very little outdoor hitting going on. It will all be done inside the building.

Mr. Klingensmith: Thank you for all your comments on that.

Chair Loyd: Ken, do you have more questions?

Mr. Klingensmith: No, I'm taking a pause for a second while I re-read all my notes.

Chair Loyd: Okay, thank you.

Mr. Town: I would like to make a comment real quick if I could. Referring back to some of the landscaping plan there, where it shows some of the debris, vegetation, being taken out of the west of the property, the south of the property. Where it says, "area graded, vegetation removed," we don't plan on...I think there's a miscommunication between the excavation and the GC and civil engineer. We don't really plan on removing a lot of those trees west of that power line right there. The dirt removal we were talking about doing is right there where you see the little practice infield only. There's a pretty good hump right there, a hill right there. We were going to move some of that dirt to place over along the right field fence and beyond the outfield. We don't really plan on removing a lot of those trees in there. That all is pretty much going to stay. So, I think between the excavator and the civil engineer, I think there was a little miscommunication there, because we plan on leaving all those trees in there. Directly south of the building, as far as I'm concerned, we pretty much have all the trees removed in the space that's needed. There may be another 10 or 15 feet that we need to remove out, but there's quite a few trees and stuff left in there. We don't plan on disturbing them either.

Chair Loyd: Okay. Thank you, Luke.

Mr. Wingert: Luke, you mentioned that there are three different phases to your construction project. What's your time estimate on Phase 1, Phase 2 and Phase 3?

Mr. Town: I have my GC on the phone. He can hear it as well. As soon as we can get started. We're looking at probably – I have him on the phone in my ear here – I think we're looking at six to eight months from start to completion. Is that right? Yeah, that's correct, so we're looking at six to eight months from the time we start to completion.

Mr. Klingensmith: For Phase 1?

Mr. Wingert: Is that for Phase 1, or Phase 1, Phase 2 and Phase 3?

Mr. Town: Phase 1.

Mr. Wingert: Okay, and then Phase 2 and Phase 3?

Mr. Town: Phase 2, I can't see it taking more than a month, and it will probably be done during the wintertime or the late fall after we're done really using the fields. We don't really use the fields after October. Phase 2 and Phase 3 will probably be done over the course of the wintertime, and you're not talking a whole lot of time, because you're basically flattening out an area and moving a little bit of dirt around to level the area out. You also need time to seed that area and to get the grass to grow back in that area in the outfield, so you're not looking at whole lot of time between Phase 2 and Phase 3.

Mr. Wingert: Okay, thank you.

Mr. Klingensmith: Could you comment for us, we've had a Conditional Use Permit in place, the building didn't get built, we're now moving the building. Is that just mainly because of the challenges of where the building was for the approval in 2017? Otherwise, that would have already been built?

Mr. Town: There were just... Yeah, there were other complications to go along with it that doesn't really pertain to me. It pertains more to the County issues that we were coming up with the County. The first design, when it was set, my civil engineer, that first civil engineer, did not present the plans to me. He presented them to the Board without me looking at them. At first glance, I couldn't tell where what was sitting on what, just looking at the breakdown of the land, so I had really no idea that it was sitting on the side of the hill. So, we said, "Okay, we can make this work," after discovering there is a lot of rock in that area right there. There's a lot of rock that goes fairly deep, and you're talking about a significant amount of soil and rock to be moved out that area to put the building down there on the side of that hill. It wasn't ever really my plans to begin with to have it on the side of the hill. Who builds a building that big down the side of a hill where you could potentially have water and erosion and stuff coming into the building? So, it never really was my plan to begin with, but I thought, well, maybe I could make it work, and then after discovering the amount of stone and stuff that was in there, you're talking a lot more money to do that and you're talking a lot more time and a lot of disturbance in there to make that work.

Mr. Klingensmith: My understanding is that you basically run a private coaching operation. There's no games on the fields. This is a private membership. Folks are paying to be there, and paying for your and your team's coaching.

Mr. Town: That's correct. The fields really aren't set up to run games. I don't want lights on the ball fields. I don't want sound systems on the ball fields. I don't need a concession stand. We'll provide water. In the inside facility, we'll provide water fountains. We've talked about putting a couple vending machines in there for different drinks for options for parents, maybe a coffee machine or something for the parents. But, we have no intention of running games out here. This is a training facility. For what we would do, to run a tournament or runs and stuff like that out there, with teams outside of us, would not be... You're talking about one field that's... The fence line right now is 280, so you're even limited on what you can do on that. We do have inter-squad scrimmages between teams, but they're really not full-on batting practice-type scrimmages. We call them "21-outs," where you have one team of defense and one team of offense, and the coach will hit fungo to the players to simulate game situations. That's primarily what we use them for.

The smaller infield to the southwest of the big field, the same purposes. The reason for adding the softball field is a soft ball diameter field is smaller than the diameter of just the dirt part of a

baseball field. So, the fences and stuff are about 200 foot in fast pitch, so to give the girls a more equal playing field and a legitimate practice field, that's why we're building this. There's times, too, when the bigger field is not usable because of rain, but because of the type of dirt that's on it. It's got like a clay mix. It was hauled in from Oklahoma years ago when Dan Miller had it. So, the other field that we plan on using is more of a lime screening base that has a better draining system on it.

Ms. Rast: I have another question, and it goes back to the amount of athletes. Because there's quite a lot of stuff going on there, and a little bit also, too, because when my son was on an ABA team, they used to be located at 159th and Switzer. Just reflecting back to that period of time, there was always probably more than 25 athletes at a time on that property, between people taking lessons inside, outside, practices going on, kids kind of lingering around, but then also there were different events sometimes that Coach Town would put on that were great, but it definitely included a lot more than 25 people whether it was father/son scrimmages, or they even had a movie night one time. I guess I'm just a little concerned of how he is going to control the 25-athlete restriction.

Mr. Town: Thanks, Kelley. That's a good question. I remember Ryan. He was a great kid. I loved him and I heard he's doing well. One thing about the practice is the way the practices are planned. There's a lot of planning that goes into this in order to get the kids in and out. Practices last generally an hour or hour-and-a-half, so what we have is we have a 30-minute practice, and the next one starts in another 30 minutes, and then that team rotates out. Teams do show up 10 to 15 minutes early. If you can imagine, you've got a bunch of kids that show up and sometimes you do have kids show up early, but generally there's about a ten-minute overlap between one team leaving and the other team going. I go out and tell them, "Okay, you guys have got to go." We've been doing that for the past three years. They're starting to get more of a handle on it, but there are times where the kids are hanging out there in the parking lot. They're talking to parents. They're talking one another, and I have to go over to the coach and say, "Hey, we have to ask everybody to leave. We need to clear the parking lot out." So, for the most part our parents, they abide by the rules and they understand what the guidelines are set for the CUP.

As far as running special events out there, our business has changed quite a bit since you were involved in it. I don't really do those sorts of things now. I'm more focused in on the character development of players with the impact model in our program. That stuff is mostly done during the wintertime. If you remember our winter training, each team comes in for an hour and then that team rotates out. We do that primarily on Saturdays and Sundays during the wintertime when the kids are in school, so the only overlap is we have about a 15-minute overlap, so one team is coming in at about 12:00, usually around 12:00. The high school kids, there's a little bit more on them. You know, your son played a little bit of showcase ball. I think some of the other teams have 15 or 16 players on them. That one team comes in for an hour of training. There's about a 15- to 20-minute window when that team is leaving, but even with that being said, we still should not be over our 25 limit.

I will say that when we run the bowl programs, when we're running the winter training stuff, we do ask some of our high school kids to come in and be mentors or ambassadors to the kids. At that time, you're not really looking at an athlete. You're looking at a volunteer for a mentor or assistant coach to that team. I'm not trying to justify why there might be a few more kids on the field, or inside the building, but we do ask some of the high school kids to come in and help, because we do believe that it's good for the older kids to give back to the sport, and they start learning to be mentors for the younger kids.

Ms. Rast: Okay, thank you for that. Appreciate it.

Mr. Town: Thank you.

Chair Loyd: Any more questions of the applicant? Okay, we're going to close this period, and now after I jumped the gun before, we're going to move to the public comments. Just a couple of notes here. We want to keep your comments to three minutes or less. Make sure that you provide your name and your address for the record before you start to speak. Also, if you're going to, if you're in agreement or want to reinforce a comment made by someone else, please just make that your comment and try to keep it brief and refer back to other peoples' comments if your comment is going to be a repeat of what they said. Just note that you agree with somebody else's comments. Okay, with that said, Leslie, we're going to let you start working your way through the folks we have.

Mr. Pendley: I'll just mention first, Chairman, nobody has signed up in advance, or I think there may have been just one person. We'll keep an eye out for anybody who raises their hand, but if anybody wishes to speak, please raise your hand. I'll turn it over to Leslie to see if anybody has signed up or raised their hand at this point.

Ms. Davis: It looks like Melissa has raised her hand. Melissa, please remember to state your name and address for the record.

Melissa Blake, 19436 Rosewood Drive, appeared before the Zoning Board via Zoom, and made the following comments:

Ms. Blake: Unlike everybody else, as far as I can tell, this literally is in my backyard. My back yard is the other side of those railroad tracks, so I have some opinions about this. I didn't know that I was supposed to be complaining about every little thing that came up, so that everybody would know that it's not exactly perfect and that everybody loves this place. I'm sure they do good work, and I am not against baseball. I'm not against this, but a 30-foot building on top of a hill. That's going to be the tallest thing in Stilwell. Don't fact-check me. Maybe there's something else that's 30 feet tall in Stilwell. This is an enormous barn in Stilwell that I'm going to get to look at from my backyard. Really? The whole business about all that traffic going down Nall, yeah, I'm concerned about dust. When this went through, I was there in 2017, and we were told that the parents were never going to stay there. That they would drop their kids off and they'd pick them up and there would never be a lot of people there. I'm not...That really hasn't been an issue, but if you start running a lot of people down Nall, I'm going to be calling you up, because I'm not going to be happy. And apparently, that's what you have to do. I don't want to keep complaining about this. It's not like I'm against what they're doing. It's just that...Come on. A little common sense about what they're planning here would help, because that Nall is not set up for that kind of traffic. I think that's my biggest objections.

Chair Loyd: Okay, thank you, Melissa. Leslie, who is next?

Ms. Davis: Next we have Marina Houska.

Marina Houska, 19340 Nall Avenue, Stilwell, Kansas, 66085, appeared before the Zoning Board via Zoom, and made the following comments:

Ms. Houska: This is Marina Houska and my husband, Charles Houska. I have been dealing with this for the past several years, and I just do not understand from the beginning how this got approved at the County Commissioners when it was shot down twice at the Zoning Board. But that's beside the point. We're here to talk on something new. This baseball facility is not in the right place. This is a residential area, and it's just not a good fit. There's going to be safety issues due to high traffic increase. The dust control and the speeding. Health concerns because of the dust. There's no sidewalks to walk on 194th Street, let alone Nall. Visibility, as Mr. Klingensmith

pointed out. I know you guys were talking about dust control up to from 191st Street to the baseball facility but the address is now on Nall – 19220 I believe – Nall, and that’s going to impact how people get there with a GPS. Moms, grandmas, brothers or sisters, they’re going to type it in their phone, they’re going to go, and where are they going to go? They’re going to go the most direct route. And that could be from the south, and they are going to use 194th Street and Nall. There’s just a safety issue. It also is impairing my ability to enjoy my property. There was no business plan here when we moved in, and I know that the Miller family used it as a family practice field, but that was not a business then. That was something that they did for recreation. Also, I have a concern about the traffic study. That was back in 2017. That’s almost four years old, and I haven’t seen anything new or any little markers going on there. Also, COVID has happened and there really hasn’t been that many practices I believe out there on the field due to COVID.

Let me figure out what else I wanted to say. They’re going to open from 9:00 to 9:00. That’s 25 people can be on the property at a time. If you times that by 12, that’s 300 people going in and out, I believe, of that driveway entrance on Nall. The parking lot is going to be increased by ten spots. Are there going to be lights required for that kind of size of lot? The building is going to be five foot taller. It’s up on the hill and like the other people have mentioned, it’s going to be taller and unsightly. It’s also going to be 430 feet from my property line. I’m concerned about drainage issues, and what are they going to do to protect my visibility? Also, I’m just wondering what’s next? What’s going to be next? The other thing I’d like to say is I don’t know whether or not the right representation, or the amount of representation, is correct, because with Zoom – and I know this is not your fault – that a lot of the elderly people that live in this community cannot participate in Zoom because they don’t have the technology. Thank you.

Chair Loyd: Thank you, Marina. Leslie, just real quick, can the speakers, are they all on Zoom and can they see the timer?

Ms. Davis: Do you all see the timer right now?

Chair Loyd: Yes.

Ms. Davis: Okay, then that means that they should be able to as well.

Chair Loyd: Okay, I just wanted to make sure about that.

Ms. Davis: Excuse me, let me correct myself. If they are using a computer. Now, if they are calling in with a phone, they may not be able to see it, but so far the speakers I believe that have spoken should be able to see the screen, yes.

Chair Loyd: Okay. Thank you. Sean, a quick question. The last speaker had a couple of things that might need to be clarified by staff. Do we do that at the end, or should we do that now?

Mr. Pendley: I would recommend that we – we’re taking notes – so I would recommend we take all the comments, and then staff and the applicant can provide responses following all the public comments, is what we would recommend.

Chair Loyd: Okay, thank you. All right, Leslie. Next speaker, please.

Ms. Davis: Angela Buelli, you should be able to speak at any time.

Angela Buelli, 5732 West 194th Street, Stilwell, Kansas, appeared before the Zoning Board via Zoom, and made the following comments:

Ms. Buelli: My property also is adjacent to the ball field. I am the third residence that’s affected, and I have great concerns. I would like to mention that I really didn’t appreciate saying that we shouldn’t talk about dust control. I drive that road nearly every day, and it doesn’t matter if you have a north or south wind. That dust does not settle, and if you have more vehicles, if they’ve

been using 191st Street for the entrance, then those have not been considered in the traffic count, and if you have those people now using Nall, that dust is going to be multiplied by the number of people. It is dangerous. We have no sidewalks. People ride their four wheelers. They walk their dogs. They jog. They walk, and there is no protection for them if there is dust everywhere. In addition, I have lived here 36 years. This is a quiet community. I love baseball, but this is not a good fit for this community. That is not zoned commercial. It is not something that fits in this area. I don't know why it was approved. I have never been happy about it, but now with the erosion worries and those kinds of things, I am very concerned about how that is going to affect property, how to this is going to affect property value. We have been a quiet, older community. We now have some younger couples moving in with children and we already have people that speed. I'm not saying that these kids would. I just know that with the amount of traffic that it's going to be an issue. I just don't think it's a good fit for our community. I appreciate the ability to speak on this this evening. Thank you for your consideration.

Chair Loyd: Thank you, Angela.

Ms. Davis: The next person who has their hand raised is Don Vukas.

Don Vukas, 5801 West 194th Street, appeared before the Zoning Board via Zoom, and made the following comments:

Mr. Vukas: Hi, my name is Don and my wife Amy Vukas. We very much have concerns about, not just 194th and Nall, but this is a horse community also. Up on 194th Street we have at least 10 owners that have horses. That's not including the neighboring neighborhoods that all use 194th and Nall every single day and every weekend. Also, I have submitted through an email a picture of what 194th Street looks like during a weekday with people, the kids, the dogs, the golf carts, the horses, all of that on 194th Street, so I hope you guys were able to see that picture as proof positive that this is not a good place for this building. I'd like to hit on more, too, about no sidewalks. There's not even shoulders on our roads. Sometimes when people park on the roads, I have a truck, I have to almost come to a stop just to get through the road. That's how narrow it is. This community is about the people coming out on the streets to ride horses and that. If you put this in there and have these kids driving up and down 194th Street, you're going to ruin this tight community, people that have friends and family here and all of that stuff, and having those kids come up and down those streets.

Also, we've had problems with this already. We already have a police radar sign tracking peoples' speeds up and down this road because we have joyriders that just come around, just driving around our neighborhood and all that, speeding down this road, using it as a cut through. So, no matter what...and the dust control should not just be from 191st Street. It should be all the way from 191st Street all the way down past 194th even further down on it. You just can't say a partial road, and all that stuff, so that road should not even be there at all, period, the entrance. Plus, on 194th Street, people do walk at night. There are no streetlights. It is very dark here. Plus, with a building like that they do put lights up. That ruins our skyline. So, we paid all this money to come here, to have a horse ranch, to ride with other people with horses and all that stuff, which is a great community, and all that is going to be ruined. There is going to be a very huge chance of somebody getting hit, a horse getting hit, people getting killed possibly, even right there off of 191st Street. Proof positive right there. So, we really need to look at...this is not a place for this. There are so many different other places for a big 30-foot building, but not in peoples' back yards. I think I'm good. Thank you.

Chair Loyd: Thank you, Don.

Ms. Davis: Kent Wittrock, you are up next.

Kent Wittrock, 16449 Carter Street, Stilwell, Kansas, appeared before the Zoning Board via Zoom, and made the following comments:

Mr. Wittrock: My son is a participant in the Advanced Baseball Academy, and the positive impact that this program has had on him, together with his teammates and friends, is simply undisputed, and as a resident of Stilwell, I think our community should support programs like this that support our youth. I'm hopeful that Luke will continue to be able to operate his program in support of our youth and continue to have the positive impact he's had on them for a number of years. Thank you very much.

Chair Loyd: Thank you, Kent.

Ms. Davis: Our next speaker is Andrea Griffin.

Rylan Griffin 5501 West 194th Street, Stilwell, Kansas, appeared before the Zoning Board via Zoom, and made the following comments:

Mr. Griffin: This is actually Rylan Griffin and Andrea Griffin. Our concern is the safety aspects, just like it was mentioned earlier. We just moved here four years ago, and we've had our own child, our first child here, and so we actually do use the road a lot and this area a lot for walking with our child or riding bikes, learning how to ride bikes and all that stuff. It's how we've connected with all our neighbors up and down the street. We've made countless great friends with neighbors and other kids as well, and just waving to people that are walking by. During especially nights and weekends there is countless numbers of people walking, enjoying the walk and all that stuff, without the heavy traffic that this facility is going to bring. I mean, it's going to bring. And like they said, it's going to bring southward too, not just on 194th. That Nall Road is a very, very dangerous road. I've seen golf carts flip there and about two times a year there is a car that goes off the ditch on Nall, right where Nall curves into 194th, at least once a year if not two. And then, I think it was about – you might want to look this up for me – but I think it was March 6th, there was an accident down there on 191st and Nall, right on the corner. I believe there was an accident. I saw the fire trucks and the police cars all there when I was leaving and headed out one time, which forced me to turn around. So, I'm just real worried about the safety aspect because I'm afraid of that traffic coming over on 194th and again, that being a very tight road, no drainage, no place for people to step off the road if there's oncoming cars and stuff.

We all have to step up. We all know everybody's car, and we're always waving, and we know them. So, when there's someone else there that's new to the area that are just coming for the baseball, they're trying to hurry or in a rush...or not even the baseball, what about the employees that are going to be working at the building? They're going to be making that drive every day. They're going to try different ways and whatnot. I understand that there's safety measures that are going to be put in place. It's still a big safety issue that worries me. Being a new father and all, and all the other children on the block, it's just, I would hate to see one life go before this is addressed or something like that happened, where an issue like that. Because that's very scary in our community. Thank you.

Chair Loyd: Thank you.

Ms. Davis: Our next speaker is V. Staudenmeyer.

Vincent Staudenmeyer, 5828 West 194th Street, appeared before the Zoning Board via Zoom, and made the following comments:

Mr. Staudenmeyer: My wife, Vickie, is with me. We are really just up the hill from Marina Houska, kind of maybe at the apex of a triangle between the houses that were shown on a previous slide. Anyway, I did appreciate the questions. I think one of the panel asked this about options for one

entrance on 191st and for the afore stated reasons that you've already heard, I agree with that. I'm really concerned that previous traffic studies may not have adequately considered the input of that Nall entrance on traffic on 194th. There's no doubt in my mind that some folks are going to consider 194th a shortcut, and if you look at the picture that Mr. Vukas submitted to you, you'll understand the nature of our concern. I was the one who was responsible for the Sheriff's Department speed sign that I allowed them to put on my property, because I've registered complaints with the traffic guru for Johnson County, whose name I cannot remember at the moment and several Sheriff's Department Deputies who subsequently placed that sign here, but the fact is signs aren't going to do a whole lot of good for people that just don't care. Further, any consideration of dust control – this may have already been stated – should also relate to that span on Nall between 194th and the Nall entrance, and I haven't heard discussion of that. Since that is really the only location very close to the road of a residence stretching all the way from 191st and Nall. Lastly, I'm putting myself in the place of our dear neighbors, Charlie and Marina, and I'm thinking about the elevation difference between their home to the south and the proposed building. I'm just looking at that thinking you're going to be creating a considerable aesthetic impact on them by virtue of a building wall that is more imposing than the stated 30 feet. There's probably close to a 15-foot elevation difference. You might as well put up a 45-foot wall and tell them to look at it for the rest of their lives. Well, it's just not desirable. I think that's about all I've got to say. Just as an aside, that 20-acre property was part of the property that I was born and raised on, so I kind of know that area fairly well. Anyway, thank you folks for listening.

Chair Loyd: Thank you.

Ms. Davis: Our next speaker is identified as R. Huff.

Robert Huff, 18315 Canton Street, Gardner, Kansas, appeared before the Zoning Board via Zoom, and made the following comments:

Mr. Huff: My daughter is a member of AFA, has been for about a year now. Just three things I want to point out real quick. One is about the building itself and the building size. If you look around the Stilwell area, you will find within a mile of there numerous horse buildings and pole barns and everything that are very comparable to the same size and everything else. I believe the building that's presented by Coach Town is going to be aesthetically pleasing, just as all those buildings are. They meet the Code standards and everything, which we're here for today. The second thing being is the dust control. Coach Town has already said he's going to mitigate the dust control. He's going to pay for that and have that done for that section of roadway up to his entrance. As far as any further or the other side of the road, those property owners that butt up to that road on the other sides and down the road further, that should be their responsibility, not his, to pay for that. But I think he's already addressed that, and the Board has already addressed that, that he has agreed he is going to take care of that dust control for that section up to his entrance, and to include his parking lot that he's having built.

Last and final thing is about the 194th Street. I completely understand the concern. I empathize with everybody that lives there. I will say I just put in the route in my GPS from Gardner has me taking 199th. It takes me past 194th up to 191st. The way GPS works is it doesn't want you to go on gravel, so it's going to send you the route that's going to have the least amount of gravel, and it's also going to take you a route that has the highest speed limit signs, in which 191st, I believe, is a 35 mph road compared to 194th, which is only 25 mph, which is why that GPS takes you that route. To go hand-in-hand with that is where most of the players are coming from, I believe it was Pam – I may be wrong about this, but somebody earlier in the presentation – talked about a lot of the letters, where they came from and the members that belong to ABA/AFA. Most of them are from the north, not as far south. There are several from the south and everything and west, and

maybe some in Missouri, but the majority are all from north of that location, so they're all going to come from the north side, which is not going to take them to 194th anyway, but great program for the kids. I can't speak enough about it. I was the late email that came in at 6:19. I hope you get to read that. It talks about my kid and the impact that it's had on her attitude, her leadership ability, her lifestyle change and everything. I can't speak highly enough about Coach Town. I wish I would have met him sooner. I wish I would have met the program sooner. I think it's great for our community. Thank you for your time. I appreciate it.

Chair Loyd: Thank you.

Ms. Davis: Our next speaker is Joe Pribula.

Joe Pribula, 5595 West 166th Street, Stilwell, Kansas, appeared before the Zoning Board via Zoom, and made the following comments:

Mr. Pribula: I have previously lived at 207th and Nall, and I've been part of the Academy as a coach, as a dad, for probably four years now. The reason I'm bringing this up is I lived at 207th and Nall and drove to this facility for several years before we moved into our current home. I never once took the 194th and went straight up Nall. I either went to Mission or I went to Metcalf. Even living directly there, I found that to be quicker than taking the gravel and taking the winding curves and going through old Downtown Stilwell area to the playing field. I think the number of traffic, the concern that people have about the volume of traffic is really no different than the traffic that's there currently during the summer. It's just now will be there during the wintertime for some of the training and maybe for lessons and stuff like that. That would be a very small difference in volume than what's there right now. I know there were some questions about COVID practices and stuff like that, that the volume might not have been the same. As somebody who played through that with two baseball teams through the Academy, I'll tell you that we played all summer last summer, no difference, with the exception of the month of April, basically, was basically off, the end of March and beginning of April while everyone was quarantined. We picked back up and played all the way through the month of July. So, I think that that's an important factor, that we're not really increasing the traffic any more than what you guys are experiencing in that neighborhood during the summertime. Most, if not all, of my teams have – I have three boys who play – a lot of those kids live in Stilwell, are Stilwell kids, go to Stilwell Elementary or Wolf Springs, come from that direction, but the vast majority of my kids, with the exception of three players on my older team, do come from the north, and that's three teams times 11 or 12 players apiece. That's 30-some odd players, and I'd say less than 10 percent or right around 10 percent of those kids come from the south and would come from that direction rather than coming from the north.

I just wanted to say that as somebody who lives in this community, who's been a part of this community who actually sat on this Zoning Committee. I think it's important to note that we want to have things that encourage these types of activities that have these types of kids and these types of families involved in them. I just wanted to say my piece there. I will yield back my last 25 seconds.

Chair Loyd: Thank you, Joe.

Ms. Davis: The only person that we have a hand up for is Don Vukas, who has already spoke. Oh, and then we also have Dave Webb. If I'm not mistaken, Don already used his three minutes, right?

Mr. Pendley: Yes.

Ms. Davis: Okay, so I'm going to go to Dave Webb.

Dave Webb, [no address given], appeared before the Zoning Board via Zoom, and made the following comments:

Mr. Webb: Good day, Mr. Chairman and members of the Committee. I noticed in your email you said you were going to call on us, and when I see you didn't, then I thought I better raise my hand. I'm a lifelong resident of the area. Our family owns the property directly to the east of this property and to the southeast of this property. The Millers did purchase this property in the 70s and did the cut for the dirt that was taken off of the property and then did their baseball fields after that, and literally, since the mid-70s there's been thousands of kids play ball on this property. It also has been used for mud-a-thons, tractor pulls and other events over the years. I think the development of it and the regulation of it has been an improvement to the property and I'm glad to see that.

The traffic study that was referenced showed the decrease in traffic on 191st Street. That also would be relative to the new bridge opening on 183rd Street, and there's a lot more traffic that uses that road now. I would like to remind the Board that just one mile north of this facility, it has recently been approved, in a residential subdivision for larger buildings than this, for a riding and rehab center that has received lots of local and national recognition and has not hurt any property values in that particular area. I do see this also as an increased tax base for the area, which I would also be in support of, and lastly, I would like to say that, yes, I will see the building, too, from our house and from our location. I will see that building, but it does not bother me, and I will tell you that sitting outside in the evening, I would much rather listen to the crack and the ping of the bat and the sound that follows that than somebody that would want to snort crack and the problems that follow that. Thank you very much. I would appreciate your approval.

Chair Loyd: Thanks, Dave.

Ms. Davis: Dave was our last hand up for anybody that has not already spoken.

Chair Loyd: Okay, then we are going to close the public comment portion of this application, and now we move on to another round of questioning from the Zoning Board. We can question staff, the applicants or somebody who made a public comment. Members of the Zoning Board, the floor is yours.

Ms. Rast: Pamela, you might be able to help me with this. I know people have referenced the horse barns in the area that might be the same size and stuff. However, is there a building of this size on a 20-acre property? The ones I'm thinking of are larger pieces of property. Is there one I'm not thinking of that you can think of?

Ms. Hayhow: I think the horse barn he was just referring to is up at 183rd and Nall. It's on the northwest corner. Just off the top I can't remember, but that's a ten-acre piece. I can't remember the size. It's an indoor riding arena.

Ms. Rast: The Morgan -?

Mr. Klingensmith: The War Horse.

Ms. Rast: War Horse, yeah.

Ms. Hayhow: Yeah, that property.

Mr. Klingensmith: And what was the size of that building? Do you recall?

Ms. Hayhow: I'll see if I can't find the footprint for you.

Mr. Klingensmith: Because it seems like it's a similar sized building.

Ms. Hayhow: It's a good-sized building. It's an indoor riding arena.

Ms. Rast: Yeah, I did forget about that one. I knew they built the outside one, but I forgot about the inside.

Chair Loyd: Also, I wanted to back up here for just a second. We can do this as part of the questions of the staff, but some of the public comments made a few statements that either need to be addressed or corrected. I know a couple of them talked about the traffic counts, and was the traffic count current, but there may have been some other things said in the public comments that either staff needed to comment on, or give some more direction on. Pamela and Sean, do you guys want to go back?

Mr. Pendley: Sure. I took a number of notes here. Some of the comments and questions, the neighbor comments, I highlighted for staff response. There were several comments and questions about general impact with dust control. I think that's something that the applicant has indicated that they would be willing to participate in some dust control. That's something that I would want the applicant to respond to directly as to what level of dust control they want to participate in. Lighting, there was a question about lighting, that being a concern. There is no proposal for additional lighting on the property. The applicant has indicated that they are not proposing lighting for the outdoor fields. For parking, I believe the only lighting would be on the building, a wall fixture for emergency and for access for the building. I'm not aware of any other proposal for lighting. Drainage issues, the applicant has submitted a stormwater management plan for the site. That has been submitted and reviewed by Public Works, and that plan has been accepted. Any additional questions regarding specific stormwater or drainage concerns I would want to defer to Public Works staff.

Participation on the overall process and submittal of any comments and questions regarding Zoom – that's been a question about the participation in this process. Just to note, our Zoning Boards are still meeting on Zoom, as we are tonight. The Board of County Commissioners meetings will resume to in-person meeting starting tomorrow, so we would anticipate this is coming forward to the Board of County Commissioners that will be an in-person meeting. It is not the public hearing. However, the Board has always allowed for any additional comments or concerns from the public at the BOCC meeting, so there will be an opportunity for an in-person meeting for anyone that would wish to attend BOCC meetings, or an option for Zoom at this time. They are allowing a hybrid approach to that. Those were just some of the general overall comments that I had notes for. I don't know, Pamela, if you had any additional questions or comments, or things that you had noted.

Ms. Hayhow: No, I think that covers the majority of my notes here. They're kind of all over the page, but yes.

Mr. Pendley: We'd be happy to answer any other specific questions. The applicant, I think, maybe able to address some of those as well for the responses.

Mr. Klingensmith: Pamela, do you have the blueprint paperwork that you had provided that actually showed the drainage, and could we maybe start with the drainage question and see if the folks who did that study can comment on that?

Ms. Hayhow: If I can share screen again, I have a sheet here.

Mr. Klingensmith: I'm thinking of the one that has the arrows.

Ms. Hayhow: This is what I had put in the PowerPoint presentation that shows the proposed contours for the property. But that's not what you were looking for?

[crosstalk]

Mr. Pendley: Are you sharing a screen now?

Mr. Pendley: Yeah, we can see that.

Mr. Klingensmith: You don't have the one with the arrows on it? The erosion control plan? The Stormwater Management one?

Ms. Hayhow: I didn't load it on this. Let me see if I can find it.

Mr. Klingensmith: Just because I know there were a couple conversations on that, and I think it's important to show, to comment on that for the neighbors.

[searching for the slide]

Mr. Klingensmith: Do we have someone who could comment on that?

Mr. Pendley: Yeah, I was going to say, while Pam's trying to find that drawing, let's see if Keith Markway or any other Public Works staff – Kent – could maybe answer any specific –

Mr. Lage: I was actually wondering if we wanted the applicant to talk through it first, and then we could respond to that. Would that be okay?

Ms. Hayhow: I think I've found it, too.

Mr. Pendley: Sure. That may be something that the applicant can explain more about the specific drainage and stormwater management.

Mr. Klingensmith: If you could zoom in a little bit, that would be wonderful.

Mr. Pendley: Steve LaCasse is available to answer specific questions.

Mr. LaCasse: Did you have a specific question?

Mr. Klingensmith: The question was if you could just quickly review the drainage plan. There was concern brought up about how, with this building, how the drainage would occur and specifically not flood the neighbor to the south, in my interpretation, if you will.

Mr. LaCasse: Okay, specifically to the south on both sides of the building, including the south, we have a [inaudible] basin. That's being shown there right now. Also, in the development packet, it [inaudible] the existing table, and if I look at south... Bottom line is that as per County Regulations, future flow to the south will be at or close to what it exists as today, by virtue of that pond.

Mr. Klingensmith: And we would expect, too, that with the fact this isn't asphalt or cement, we don't have the additional... We don't have runoff from that type of an environment either.

Mr. LaCasse: We'll get some runoff from the roof, but we're going to capture as much of that as possible into the rainwater collection system, and there is some additional runoff when you go from grass to gravel. The pond is designed to account for that increased runoff due to that. But we're required, practically wherever we design something in a semi-organized, area to do stormwater detention, and that's what we're planning to do, specifically to prevent increasing runoff.

Mr. Wingert: Is all the runoff from the building going to go to the stormwater retention?

Mr. LaCasse: All the guttering goes to it –

Mr. Wingert: That's what I meant. Thank you.

Chair Loyd: More questions?

Mr. Schlesselman: I'm back to that question about the report that Kent Lage did on February 24, 2021, to discuss what options would be available for only an entrance on 191st and to eliminate the Nall street avenue exit, which now I hear has a "No Right Turn." Well, we ought to put a "No Left Turn," too and just call it good. There won't be an entrance. That is a dangerous intersection. I think I emphasized that earlier, with a fatality accident. One of the speakers even mentioned the injury accident from last month and half a dozen other assorted non-injury accidents. That is not a safe intersection. There needs to be something done. 191st Street has right-of-way east and westbound, and Nall has stop signs north and southbound. I want to hear somebody, whether it's the applicant or Kent or Pam, somebody tell me that they will look at improvements at that intersection, because I don't think any of us want to have a dead teenage there, because they were in a hurry to get out and they were on gravel and you know, that's just how it goes with kids. It could happen to an adult, too, but somebody needs to tell me what are the options. Just like it says in this report that Kent did, if the applicant is willing. So, what options are there, and is the applicant willing to do something to only have 191st Street entrance?

Mr. Lage: Thanks for bringing that back up. I revived my memory looking through the memo again. That was in response to the questions back in 2017, so this is while they were doing the layout. Our comment was before that identified where their entrances were going to be, so the reference to consolidate the entrance on 191st Street was prior to the CUP being submitted and approved by the Board. So, this was while they were in the design phase, if you will, so it isn't something recent. This is just a cut-and-paste from the 2017 evaluation that Public Works completed.

Mr. Schlesselman: But that doesn't address what options can we have, only one entrance coming in off 191st, or some significant improvements, whether they're rattle strips or flashing yellow that there's an intersection approaching, or something. Again, with the fatality, it was involving a DUI and it was later at night, probably outside the scope of when this Academy is going to be operating. But it was a fatality. I don't think anybody in that neighborhood wants a fatality accident to occur in their neighborhood, so I don't know if this is something that Public Works and Planning together need to look at and make improvements. I'm just telling you. You can go to jocosheriff.org and look at the same stats I did.

It's really, it concerns me, because I remembered that one fatality accident, and when you have younger drivers, which I'm sure there are, if you've got your 16, 17, 18-year-olds coming in there, and then you also have parents maybe from the same family or two families, whatever, you're going to have a lot of cars coming in there. If they're saying they can't take a right turn and go southbound on Nall as they come out, they can only go north, well they're sending them to the danger zone. So, that's my concern, is what can be done to improve that approach to that intersection if we decide to continue to keep that, because if you're not going to let them go south and their only option is to go north on Nall, and I'm just saying, I wouldn't want that blood on my hands if it was me if I was the County.

Mr. Klingensmith: If I could just add to what Ed is commenting, I am in agreement. I feel concerned that we need a closer look at 191st and Nall. I appreciate that this conversation is creating frustration for the applicant, because this was approved by the County Commissioners, the road, the building, for moving the building, but I see the opportunity of the fact that we're extending the Conditional Use Permit as opening up these conversations again and having a closer look at it. I think when we look at the Rural Comprehensive Plan on page 2-17, we talk about the fact that any type of commercial development – which this is – that we need to make sure that the infrastructure exists to support it, and I don't think Nall is a road of infrastructure that supports traffic. I drive this road. Or rather, I avoid this road, because I don't want rock chips on my car. The road is not wide enough if I pass a large vehicle. There is constantly dust, so I do not want to wash my car, so I will take 191st to Metcalf; Metcalf to 199th, to get down to Stilwell, as opposed

to taking Nall for those reasons. Now we're encouraging traffic on this road, and I personally kind of align with Ed. That concerns me. I understand that it was approved by the Commissioners. I, too, don't understand why the Commissioners did what they did. It puzzled me a little bit, but that resonates with me, that that's still an issue, that infrastructure involved. And I've not heard a good answer yet of fixing it. Or is it even an issue that needs a further look?

Mr. Pendley: I don't know if that's something that Planning staff could coordinate with Public Works on. The specific question, it sounds like, is the safety of the existing intersection at 191st and Nall and whether or not that needs to be re-evaluated. Is that the question?

Mr. Klingensmith: And does Nall support, looking at the Rural Comprehensive Plan kind of concept, does Nall support...? The sewer is not an issue. We have septic. Public water, great. We have that. It's going to be out there. But when we look at the roads, is this the adequate infrastructure to support a building this size, which is what, 20,000 square feet?

Ms. Hayhow: Almost 24.

Mr. Klingensmith: Twenty-four thousand square feet, which is a pretty decent-sized building. I don't think Nall has the road infrastructure in the Comprehensive Rural Plan on page 2-17 that says that's a good decision to do that. I didn't think it was back in 2017.

Mr. Schlesselman: One other comment, and this is a question for Pam or Ken. Has the Sheriff been consulted on this? Because it is a dangerous intersection. I'm just telling you. Historically, it is. Having worked fatality accidents out in the county, it's not something that you want to see, especially in this type of environment where it's athletics involved. I think the Sheriff needs to be included in some decision-making on what suggestions they might make to make 191st and Nall more adequate for what we're trying to do here. If we want to approve it, I think it's got to be safe. To me, we still haven't heard a single option from the applicant on other ways you can bring the entrance and exit in off of 191st and eliminate Nall, unless I missed it.

Mr. Klingensmith: Which to me would say the infrastructure of roads then supports a building that size.

Mr. Schlesselman: If it's coming off of 191st. Yes. I want to hear from the applicant. What options do you have available to make that happen? Bring it in off of 191st and eliminate the Nall access?

Mr. Pendley: Certainly, we can ask the applicant to respond to that question.

Chair Loyd: Can somebody speak for the applicant then regarding either the opportunity or the willingness to look at making the 191st Street entrance work for the new building?

Mr. Pendley: Is audio enabled for Pete or Steve?

Mr. LaCasse: This was brought up when we did a neighborhood meeting. The question was asked, and I took a quick look at the feasibility of putting an entrance off of 191st Street that would reach this building. A lot of people look at the existing entrance and think it can just be extended to the building, but that building sits around 15 feet higher than the baseball field that's next to it. In theory it could be done, but it would not be an optimal situation for trying to think about getting fire engine coverage and things like that. Anything's possible, but it would be a very... You'd have to move the batting cages. You'd have to grade through the rock. You would have a significant distance from 191st Street to a building if you want to provide fire coverage. So, Nall is a much more logical place for us to access. The building is quite large, but by permit we are restricted in the number of people using it, so it's not the same impact as a commercial building of 20,000 square feet.

Mr. Wingert: What would be the possibility of putting a stop sign at the corner. From a Public Works standpoint, has that been considered? A four-way stop. Obviously, there's a two-way stop there now.

Mr. Pendley: Kent, is that something you have any thoughts on?

Mr. Lage: As far as I know, unless Brian knows differently, we have not looked at that.

Mr. Pietig: No, we wouldn't want to put a four-way there. That wouldn't be the best idea. The thought there is that 191st is a through movement and you'll get people that will either ignore or not see that stop sign, because of the low traffic volume on Nall.

Mr. Wingert: Okay. Well, one thought for the applicant. I'm looking on Google Earth at that intersection, and there's a couple big cedar trees that are on the applicant's property. I don't know if they still exist. The imagery is from 2019, but if they mowed the corner that would improve the visibility to people that are pulling up to that intersection from the people that are coming from the west to the east.

Mr. LaCasse: If it's on the property, we can certainly do that, but I can't commit to doing in the right-of-way. We just have to look at where it's at.

Mr. Schlesselman: Well, there's rattle strips that you can install, much like on 169 Highway at 199th that will raise the attention of the driver that they're approaching a dangerous...Again, I stand behind, 191st and Nall is a dangerous intersection. If some kind of minor modification like that could be done, not necessarily a four-way stop, because I know eastbound and westbound 191st has got the right-of-way. Stop signs are on north and southbound Nall. But if there was something like that, that at least would heads-up, if you will, the drivers that they're approaching a dangerous intersection. If we can avoid a fatality or avoid an injury accident like we had last month, that would be the goal. These are kids. We want them to grow up to be good adults. It sounds like they're doing a great job grooming them to do that, but we've got to keep them alive. And teenagers – and I know I'm guilty of that, too, when I was a kid – didn't exactly think the same way and follow the same roads of the rule [sic] that the older adults did, so I really think intersection has got to be looked at, a primary entrance to the facility off of 191st, and eliminate the Nall Avenue exit.

Mr. Pietig: I know we looked at that intersection back in '17 and we felt comfortable with it. We'll take a look at that again and see if there's something we missed or something that we could improve on.

Mr. Klingensmith: The traffic count we're talking about, the 480, what are weekly or monthly, or can you just define that again, Pamela, for me? We have the 20 teams, 240 athletes which generate potentially 480 potential trips of Nall. Is that weekly when we looked at the traffic study?

Mr. Lage: The traffic study identified a maximum of 200 vehicles per day, Ken.

Mr. Klingensmith: And the 480 was like for a week or something, so that's where we said it can definitely handle the traffic?

Mr. Lage: I see Ken had commented about the 480. Pamela, do you remember seeing anything specific about 480 trips?

Ms. Hayhow: I don't –

Mr. Klingensmith: I had multiplied 20 teams by 240. Sorry.

Mr. Lage: No worries. What we're going off of is what was the traffic study, Ken, that just identified a maximum of 200 per day, so I can't speak to that 480 specifically.

Ms. Hayhow: It says 288 vehicles a day on Nall in the traffic study by Payne and Brockway, that statement.

Mr. LaCasse: Yes. The estimated traffic of 200 vehicles per day to the site, and then on Nall, the current, at that time in 2017, the traffic count was 88 on Nall.

Ms. Hayhow: Oh, okay, yeah, so they added the two together.

Mr. Schlesselman: Kent, do you consult with the Sheriff's Office on the traffic surveys, and particularly the safety issues related to particular intersections?

Mr. LaCasse: Brian, do you want to -?

Mr. Pietig: Sure. We work with the Traffic Office all the time. You heard one of the residents earlier saying how the Sheriff put out a radar message board up on 194th Street, and that was part of coordination between our office and the Sheriff's Office in trying to address some of the concerns of speeding vehicles out there, so yes we do. Now, the Sheriff, he doesn't know how to design roads. He goes out and he handles accidents, certainly, after they happen, but we're not consulting him on the different issues we have with our roads. So, I don't want to mislead you on that.

Mr. Schlesselman: Just having worked 33 years in law enforcement, and 32 of it at the Johnson County Sheriff's Office, I can tell you, there were many, many times over the years, back when it was Road and Bridges before it was Public Works, that we identified high-incident accident locations, and the recommendations might be a stop sign, or whatever – a yield sign or whatever the recommendation was. It was reactive on the part of Public Works, or Road/Bridge, to fix those things, but we see it, because we're out there working it every day, and that's what I'm saying here. You've got a fatality that should have been caught in the 2017 traffic survey, because it was in 2016, I believe, when the young lady was killed by a drunk driver. You have another incident with an injury accident just last month, plus half a dozen non-injury accidents with reason of that intersection. I guess my feeling is you need to have the Sheriff's Office involved in this. I know they can help you with this, and there's things that you can do – and I know you guys are good at this – based on standards that you follow, to make that intersection more safe. But I still say there needs to be one entrance into this facility off of 191st, and eliminate that Nall Avenue exit. It's creating quite a stir with the neighbors and I don't see where it's necessary, based on what's been described as gravel parking lots and et cetera. I looks like it can be done.

Ms. Rast: I'm going to throw something kind of crazy out, and I know the applicant is probably not going to want to hear this either, but some of the issues with the building are the drainage, it sits up on a big hill, which I think Steve mentioned is 15 feet higher than down from the road at 191st. I mean, is there any way things can be moved around and the building is more down on the lower area, which would keep it away from the people that live on the south side? It's not sticking up like a sore thumb quite as much, on top of a mountain. You don't have drainage issues quite as much. You could do a circle drive off 191st, so you have an entrance and an exit, so you don't have cars trying to get in and trying to get out. I know that was a little bit of a problem over at Switzer and 159th as well. The building was, from what I understand Coach Town was saying, that the building is the main thing that's going to be used the most on this property, so can the softball field and that stuff be juggled around a little bit, since that's not going to be the main focus of the practice facility? It seems like switching that around...I know that's not pleasant for the applicant to hear, but it seems like it's a better work-out for infrastructure, safety, drainage, the neighbors would be happier, it's not sitting up so high and the building is the main area of practice for this whole complex, from what I'm hearing. Is that open for re-looking at? I know not favorably.

Mr. Pendley: I think if there are recommendations from the Board for alternate locations, we certainly could ask the applicant again to respond to that. I think they've indicated that they have evaluated this site and the proposed layout of the indoor facility and the baseball and softball fields were laid out this way due to the topography, the subsurface. If there are any other recommendations for further changes to that, certainly we would allow the applicant to respond to that recommendation.

Ms. Rast: I'm sure it was done this way because the fields were already positioned where they were. But we are talking safety, and you want the community to embrace this facility, not just the kids that are actually using it. So, it may be worth trying to compromise and look at something else. Obviously, it was put there maybe also just from the fact that the fields were already in existence, and then they could put their house in back. But anyway, I think safety and a life – and we are talking teenagers, and males, we are talking the highest risk category and not the safest drivers – so I think it's worth really considering. If anybody gets hurt or...and the infrastructure of whether it lives up to the Rural Plan that Ken brought up.

Mr. Klingensmith: I'm going to make another comment. I think the number of individuals on the property is limited. There is no games going on with visiting teams coming in. Everyone that's coming to this property are members of the club. They receive private coaching, so for me this is a good use option for the property, and I think it is good for the Stilwell Community. There's no lights. There's no audio, so I'm supportive of the project. I'm supportive of the use of this facility there. I have read comments about that we have a commercial business that's seeking to place a building in an RUR zone area. We have a baseball field at 183rd and Pflumm with a scoreboard. That is in RUR zone. We have a baseball field to the east that's in an RN-1 zone, which is in a residential. Granted, both of those baseball fields don't have a building, but Heartland Therapeutic Riding is a business. They have a building of similar size. That is in an RUR agricultural zoning, as well as the property, the War Horse for Veterans. That building is of equal size. Actually, it's smaller, but that's right in the middle of Berryhill Farms [inaudible] RUR zoned property. So, I think the building, in an RUR commercial zoned property is appropriate. So, we've set precedent. It exists. I also think the purpose of the building, with limited folks, the numbers, all of that, makes complete sense, and I think it's a good project for Stilwell, in my mind. I'm just with Ed that Nall does not have the infrastructure to support a commercial building. I know that we're not using commercial standards, because it's a Conditional Use Permit but when you build a 24,000-foot building, it's a commercial property. It's not going away. So, I kind of revert back and say where is the County's responsibility to say, "Great. You're going to start your building in this timeframe. We will have Nall south of 191st is going to look like Nall north of 191st in this timeframe?" Otherwise, I just don't see this as a safe option on Nall.

Chair Loyd: So...I didn't want to cut you off, but maybe I was going to go where you're going to go. I think we need to maybe try to clarify and separate things a little bit here. So, we're going to evaluate and advise on this Conditional Use Permit based on their application, and to Ken's point, part of the evaluation is the infrastructure, and right now that evaluation has to be based on the infrastructure as it is in place now, unless the County has a solid plan that aligns with the building. If that isn't the case, then the only alternative in evaluating the Conditional Use Permit if you want to be in favor of it is going to be removing the drive off of Nall. We can't advise, consent and support the Conditional Use Permit based on something we would like the County to do, and the Public Works part. Is that correct?

Mr. Pendley: I think that's correct. You're right, but I was going to suggest...First of all, the applicant has raised their hand to respond to the request for any further changes. I think what we would want to recommend here is if the Board does feel that there are reasons either to reconsider a design change, something to reconsider the access on Nall, we need to see if the applicant is

open to that. If not, they've submitted a plan. Staff has provided a recommendation to that plan, so as it is submitted now, you'd need to either consider voting on this as it is, or see if the applicant is willing to change something, to re-evaluate this, at which time we would probably recommend a continuance to look at a new design. That's what I would suggest, that we see if the applicant is open to any further changes. Otherwise, we would recommend a motion on this plan as proposed.

Chair Loyd: Got it. Steve, do you want to...? I think generally speaking there is hesitation for support here with the drive off of Nall. I know you made an initial comment about just constructability issues, bringing the drive from 191st all the way up to the building, but evaluating that against the support it may or may not have, do you want to make any more comments or requests here?

Mr. LaCasse: I'd like to make a statement about the situation at Nall at 191st Street. I didn't do the study, of course, the Traffic Department did, but I imagine the danger at the intersection is recurring movement when people are on Nall, they go to a stop condition and then they make a turn onto 191st Street. I imagine that is most dangerous maneuver that's occurring there. Frankly, that exact same maneuver is occurring at Advanced Baseball Academy's existing entrance. Putting all the traffic to 191st Street entrance that exists there right now doesn't change the number of current maneuvers that are made out of the facility onto 191st Street. It just concentrates them all at one point. But I don't see anything inherently more safe or dangerous about either entrance. The intersection of Nall and 191st Street or the drive entrance to 191st Street will have very similar maneuvers for people entering and exiting. I always thought that the concern over Nall had to do with the dust abatement, and the owner has agreed to do the dust abatement on that. It would be very difficult to put a building anywhere else on this property because the utility easement on the corner of the property is an impediment. I don't think the building of that size would fit right now, unless we were to move that field, and the field already doesn't have a full right field, because it's cut into the hillside, so we'd have to completely reconfigure the field and honestly that would be a complete reconfiguration of the entire park and start from scratch if we tried to put that building near 191st Street.

Chair Loyd: You're pretty much going to rule out an attempt to look at extending the drive from 191st up to the building. That just doesn't look like something that's in the cards for you at all?

Mr. LaCasse: I don't know if Luke is still on if he wants to make that final determination. It would be a very expensive endeavor. We'd have to move some of the existing facilities to make a safe, wide drive. You'd have traffic going through a parking area – through traffic going through a parking area, which is an inherent safety...and again, I'm not sure what is gained by concentrating all the traffic on that one entrance to 191st Street over splitting in two and having some of it go to Nall and 191st Street. They both have the same condition. You have to stop and then make that maneuver of turning onto that street. So, I don't see the gain for that plan. I don't see any particular gain, really, other than the dust abatement.

Mr. Schlesselman: The gain is the danger of that intersection at 191st and Nall. If you have those kids or parents, or whoever, go down there – and again, look at the history, jocosheriff.org. you can look it up like I did. There's a fatality accident. It was pretty bad. Drunk driver. You're talking about, again, another injury accident last month and some other non-injury accidents at that same location. You're putting kids, who I assume are driving if they're 15-and-a-half, 16, 17, 18, coming to your camp, and you're putting them at risk. You're doing the same thing with the parents. Now, you say, "Okay, we're going to put a "No Right Turn" on that Nall exit going south on Nall." Well, that's not where your real problem is. It is a concern for the neighbors in that area, but your bigger concern is sending kids and/or parents back up to 191st and Nall to turn east or westbound, who

has the right-of-way – 191st has the right-of-way – and putting them at risk. I don't think, for whatever expense it would cost your business to bring everybody in on that 191st Street access to get to your training facility, you eliminate that Nall Avenue access. How do you measure the value of a life? Or two, if there's more than one or two people in the car that happen to be injured or killed? So that, to me, you really need to consider that. I just see a real problem with the layout and in particular, based on some of the other concerns that the neighbors had expressed, too.

Mr. Pendley: Luke Town has raised his hand, wanting to respond to that.

[Zoom technical problem]

Mr. Schlesselman: Could I make just a quick comment? This goes back to the letter from Kent Lage from February 24, 2021. I kept it from our last meeting, so I hope everybody has that. He just made the comment -

Mr. Town: Can you hear me now?

Mr. Pendley: Yes.

Mr. Town: Okay, a couple issues that I wanted to address head-on. One entrance off of 191st Street, with the layout of the property the way it's designed right now, if I have cars coming through 191st, driving through the parking lot, they'll have to circle between the existing infield, the small infield that's highlighted in gray towards the bottom of the screen, and they'll have to go between the fence of an existing ballfield, the batting cage and the bullpen. There's a little shed right there. Then they'll have to loop back around to the south to get back up to the building. So, my biggest issue with all of this is that all of these cars are going to be driving in and out of here and are going to be driving right by where the kids are performing and playing and practicing. So, that area is not very wide to begin with. I could get my truck through there, and I'll haul a trailer back in there to the shed and to the bullpen area. I could barely squeeze my truck and trailer in through that area right now. Can it be moved? Absolutely. Can I make it wider? Yeah, I can. But still, you're talking away the areas that are training areas, and now we're going to be driving cars right through where they're going through. The way the land is laid out, the topography of it, is not a very good option for me.

Another issue I would like to address is that I formed this Academy to address teen suicide. That was the main purpose I started this program. Overdoses are the number one reason kids are killed, high school kids are killed. It's not car accidents. The number two reason that teenagers are killed is teen suicide. Both of these things that I address in my Academy, and I'll say out of the ten years that I've been running the Academy, I've known of one accident that any of my teen drivers have been in. That's driving all over the city, all over the county, driving up to the airport, driving to the different ball places around, driving to schools, parking lots of schools. So, I disagree a little bit that teen drivers are not safe drivers. I think they're a little more cautious than more adults are. My program addresses drug abuse on a yearly basis, a weekly basis, monthly basis. I drug test my kids. My kids aren't coming out of this place intoxicated on anything. I drug test these kids. I know what's in their system. I'm one of the only academies in the country that actually drug test my kids. The teen suicide issue, over the past ten years, my kids have intervened in 64 suicides outside of the program, where I've trained my kids on how to address these issues and how to handle them. So, a little simple left-hand turn off of Nall onto 191st Street, I don't see how that is, just from my kids that are going to be using the facility or my parents that are going to be using the facility...there's already 88 cars per day using this facility. I think there would be more accidents there.

I would make a proposal to the County to slow people down when they leave the train tracks. Most of the people...I pull out on that road. I use the entrance on Nall all the time. In my

experience, people aren't hitting those railroad tracks to the east of Nall, they're not hitting those tracks at 55 or 60 mph. They're slowing down for them and they're coming up over that hill they haven't had time to gain a lot of speed. So, I would propose to the County to slowing the speed down, down through there. We could utilize the Sheriff's Office by setting, just like they're using in town there on 194th Street, a reduced speed sign and then having an automated sign out there that shows what a person's speed is. And utilize the Sheriff's Office and sit somebody out there and monitor the speed of people going through there. That's my options.

Moving the entrance that's already been approved by the County, I think the study has already been considered back in 2017. Traffic hasn't increased and the number of clients in my program hasn't increased. There's 240 kids in my program. There's not going to be 200 kids a day on this property. That would be absolutely physically impossible for me to run that type of business to have that many people attend in a day. These kids only get one practice a week out there at the field as it is. So, you're talking about each team making one trip out there, possibly two if they come use the facility for hitting and pitching and stuff like that, but you're not talking about the entire program making a daily trip out there. I think the numbers that everybody's kind of looking at, it doesn't make sense from what I see right now, from what I'm using right now. It doesn't make sense at my current location at 162nd and Metcalf. That's why I'm just having a hard time following.

Mr. Wingert: I've got a question of Luke. Luke, would you commit to, on that northeast corner of your property, moving that once or twice a year to make sure there's no cedar trees or there's a big tree, remove that to improve the visibility for people pulling up to that intersection?

Mr. Town: Absolutely. I could go out there with a chainsaw tomorrow and cut it down. That whole area I keep mowed. I even mow the ditch, and I'm not even supposed to mow the ditch, but I take a walk-behind bushhog in there. I can't get it with a tractor. The ditch right there on 191st Street is too steep. I literally have to mow it with a walk-behind billy goat.

Mr. Wingert: I'm looking at an old image on Google Earth, but that might help. I have a question of the Public Works. We're referencing, using terms of dangerous intersections. How relative is that intersection to other intersections in the area in terms of how dangerous it is, relatively speaking?

Mr. Pietig: I am hearing the concerns about that intersection. I just don't share that. That intersection is fine. We actually did an improvement at 191st. Kent talked about that. He has that in his memo. I know you are concerned about the kids driving. I am too. I have two young drivers, too. But I don't have a concern with that intersection.

Mr. Wingert: So relative to other intersections within a few miles of there, you would not consider it more dangerous than other intersections, based on your professional opinion?

Mr. Pietig: Correct.

Mr. Wingert: Okay.

Mr. Klingensmith: Brian, would we be able to get forthcoming intersection signage that could be potentially added on the east and west side leading up to Nall and 191st intersection, to kind of give signage awareness from the Public Works that there's an intersection coming?

Mr. Pietig: I said a little bit ago, we will go re-look at that and see if there's something we're missing or if there's something that we need to do different. We looked at it a few years ago and we were confident with it, but we'll re-look at that again, sure.

Mr. Klingensmith: And then, if we – and I'm going to use the magnesium chloride, because I know that that cement-like structure has been used in the unincorporated area and has already been

evaluated by the County. Would the cost up to...? Can we get Nall the whole way to 194th and even beyond, just can we get the magnesium chloride laid on that property?

Mr. Pietig: That would be up to the applicant to want to pay for that. Again, we would pay for half of 400 feet, which is pretty small compared to the distance you're talking about.

Mr. Klingensmith: Would the County do a road improvement because we're agreeing to put a commercial sized building on this road?

Mr. Pietig: That road is way down the list for improvements. It's many, many years.

Mr. Schlesselman: Question for Kent. Would the Sheriff's Office be involved in any review you do of the 191st intersection?

Mr. Pietig: When we propose signing and make any changes, we always run through the Sheriff's Office, yes.

Mr. Schlesselman: Okay.

Mr. Lage: And Ed, we do get the Sheriff's Office reports. One of our engineers does receive reports of accidents throughout unincorporated Johnson County, so we are aware of what's going on around the county.

Mr. Schlesselman: Okay. I'm just surprised that it wasn't brought up early on in the meeting, because any time there's a major fatality at an intersection, even though it's five years old, that's something that the Board members should consider, as well as the applicant.

Mr. Pietig: And I do remember that crash, and that was tragic. You're right. That was a drunk drive that drove through the intersection. There's not much signage or road improvements you can do when somebody's drunk and drives through an intersection. It's very tragic.

Mr. Klingensmith: I have indicated that I think this is a good project for Stilwell. I think the limited folks that are there, I think the program, I think the location, considering you're bound by a railroad track, power lines, it's on a corner, you could put other things there. I think the precedent has been set that that building and in an RUR zoned area is acceptable in Stilwell. We have precedent for that. I'm supportive of it. However, I would like to see maybe a continuance for month, because I really think our Rural Comprehensive Plan, page 2-17, says within the unincorporated area nonresidential development may be suitable—"which this fits the suitable, "in those locations where there's adequate infrastructure and where there is an adequate plan that recommends it." I understand the County Commissioners approved this, and in my mind set that clause aside. I personally kind of live by nonresidential and development in Stilwell, and I don't think Nall has the adequate infrastructure.

Potentially, we just need to look and make sure, is Nall the right width it should have? Because it's constantly getting smaller and smaller year after year. Then, what would the cost be to put something like a magnesium chloride across it? And then, instead of putting in a motion that lists out all these different stipulations, like I want the lighting standards to adhere to the lighting guidelines of the Stilwell Community Plan in stipulation number eight, and a couple of the other things we talked about. It just seems like we might want to polish this up. I personally, it's been four years that this building's been in project. I think one more month just to really tighten this up to feel good about it is not a bad idea. And I don't know, Fred or Dennis, I'm curious to hear your comments as well. I know that Ed, Kelley, John and I have talked a lot but, that's kind of where I'm kind of sitting at the moment.

Mr. Wingert: I'm supportive of the project. I support it. I'm concerned about if there are safety issues, but I also believe in the mission that goes on there. There's been baseball on that facility

for a long time. At lunch today we reminisced about memories of our football coaches, not having to do with this, but it kind of brought back that memory. I would like some sort of addition about dust control, at least at the entrance to the property and I think the applicant could agree to that as point 27 or 28 in the CUP. Thank you, Mr. Chairman.

Chair Loyd: Thank you, Fred.

Mr. Klingensmith: And I want to tag on, what Brian indicates and his comments about the intersection, I clearly will defer to him. This is what they do all day long, so with his comments I'm not as concerned with 191st and Nall, the intersection. I'm more concerned with Nall being adequate infrastructure for this project.

Mr. Wingert: I would agree with that comment, too, based on professionals, this intersection does not seem like it's more dangerous – actually, we're told tonight it's not – than intersections within a two or three-mile radius. Thank you, Mr. Chairman.

Mr. Klingensmith: I will come back, too. I do want to go through with Fred's recommendation, which is why I'd like to continue it to kind of polish this up, is let's get that sight of distance at Nall and 191st, get the tree down, get it cleared, so you can actually see a little bit more clearance. I think that will be an important element in moving this forward, along with the Nall component.

Chair Loyd: Thank you, Ken. Thank you, Fred. I'm pretty much in agreement. I like the project. I like sports. I think it's a suitable use, and I don't think the building is terribly out of character, but I do just have generally have concerns with that bit of Nall between the drive of the building and the intersection. Steve, to your comment about each person entering or exiting the property still has to make a maneuver, but the guy making the maneuver on 191st Street is turning out onto a paved road, and the guy existing out of the building drive on Nall is turning out onto a gravel road, and that's a world of difference. So, Sean, I'm going to ask you, for a continuance does the applicant need to request a continuance? Can we have a motion to continue this? What's the proper form here?

Mr. Pendley: Certainly, the Board does not need to ask the applicant to request a continuance. The Board can recommend that if there is additional information that is recommended, and they could make a motion and vote on that. It would be helpful if there were other specific things that we want to look at, to specify that, and there's clarification we need from the applicant about what we need, but certainly the Board can make a motion and vote on that for either a motion for approval, denial or continuance, as deemed fit.

Chair Loyd: Thank you, Sean. Board Members, I just want to make sure that you heard that last part that Sean said. If you want to make a motion for a continuance, you need to include some specifics with it, either for the staff and/or the applicant on either what recommendations you'd like revisited, anything else you'd like studied, or anything that you might like for the applicant to take a look at regarding the stipulations that are already made. So, if you want to make a motion for a continuance, make sure it's got some specifics with it.

Ms. Rast: Can I ask one more question? The clarification of extending it to a ten-year, does that start from the original, from 2017? Because that's part of this is they want to go from a five- to a ten-year. Does that go back to 2017, or when?

Ms. Hayhow: The ten-year timeframe would start when the Board of County Commissioners either took action on this amended CUP, so it would start fresh.

Ms. Rast: Okay, thank you for that clarification.

Mr. Klingensmith: I also wanted to make a comment. We had the public input, and folks took the time to write letters of recommendation and support. I just want to do rough numbers, because I may have miscounted, but we had support to the project from Lenexa; Freeman, Missouri; Roeland Park; Raymore; Paola; Spring Hill; Lebanon, Missouri; Kansas City, Missouri; Gardner; Shawnee; and Garnett [phonetic]. There were 15 letters that came with support from those areas. Overland Park had 16. Leawood had four. Olathe had five. And then when you just look at Stilwell, we had 11 that were for the project, and we had 10 that were not for the project, based on the address. Then, we had five unknowns that I could not figure out where they live, unknown for the project and three that were not in favor of the project that I could not identify where they were coming from, because they didn't include a phone number or email but not an address. So, out of the 60, that's just kind of how the input came in. So, from the Stilwell area where this is being built, it's pretty much...out of the 22, 11 were for it and 10 were against it, just per a summary of the letters that we have all received and read.

Chair Loyd: Thank you, Ken. Would anybody like to make a motion?

Mr. Klingensmith: Before we do that, Dennis, what are your thoughts, if I can ask?

Mr. Bollin: My question is how far is that driveway from the corner?

Ms. Hayhow: I believe it's about 800 feet, Dennis.

Mr. Bollin: So, it does meet the minimum distance then?

Ms. Hayhow: It's definitely over 600. Don't quote me on the 800, but it's definitely over 600.

Mr. Bollin: It is a good project for the youth to play baseball, but I can see the pros and cons to both sides, but if it's a good activity to keep the youth off of drugs and other crimes, I can see a good possibility. To answer other questions, I would make a motion to postpone this for another month and get the rest of the questions answered.

Mr. Schlesselman: I would like to add on to Mr. Bollin's motion that, in particular, what improvements can be made at 191st and Nall, safety issues, and whether there needs to be any new signage or anything like that, but that needs to be considered.

Mr. Klingensmith: And I'll add to Ed's adding to Dennis that I would like to explore the cost for – and I'll say the magnesium chloride that's already been approved for use in the unincorporated area of the county by the County – for Nall, extending from 191st past 194th Street, as well as for use in the parking lot and possibility even consideration on the gravel road off of 191st Street adjacent to the field to really just knock out the dust as well as the opportunity for Pamela to adjust for clearance of the intersection at 191st and Nall, reduction of the parking spaces to something either back to the 40, but I hate to increase parking. I'd rather increase landscape and shielding as well, along with my concerns on the lighting that have been addressed.

Chair Loyd: So we had an initial motion by Dennis, and then we had an amendment to that motion by Ed Schlesselman to ask the County re-study the intersection and possible forthcoming improvements at 191st and Nall; and then we had an amendment by Ken to ask the staff to take a look at parking onsite and the reduction of that in exchange for more landscaping, as well as then I believe it would be the responsibility of the applicant to study onsite dust control measures, as well as looking at being financially responsible for dust control beyond the County's shared portion on Nall from 191st to 194th Street.

Mr. Klingensmith: If I could add one more, if Public Works can evaluate to ensure Nall is of the adequate size, width, road and that we've not had, just through its gravel existence that is that

road still at the adequate distance the whole length – it hasn't shortened or changed or overgrown or eroded.

Mr. Pendley: I was just going to note we have all of these additional requests for information. Certainly, staff could go back and provide responses to those requests as part of this. And also, I think looking at the stipulations, the recommendation stipulations, since the applicant was agreeable to providing some dust control abatement, we could refine to see what the applicant was willing to participate in in terms of the overall dust control.

Chair Loyd: Perfect, Sean. So, another conversation with the applicant about how a dust control cost sharing might work out there on Nall, in addition to the applicant doing some onsite dust control like that would be their responsibility.

Mr. Wingert: I'll second the motion.

Chair Loyd: Okay, so we have a motion and a second. The motion to continue this with the amendments for the various studies and conversations.

Motion passed unanimously.

Chair Loyd: Okay, so the motion to continue this case until the next time around with everybody doing their study parts has passed. So that's it for the New Business before the Board? Is that correct.

Mr. Pendley: Yes. Mr. Chairman, I'll just note that this motion will need to reflect that the continuance to the next Zoning Board meeting date of May 5th.

Ms. Hayhow: Correct. I was going to add that.

Mr. Pendley: At this time, that would be anticipated to be on Zoom again. Staff would provide courtesy letters to the surrounding property owners indicating that to confirm, but that continuance we need to make it clear that this is continued to the Zoning Board meeting date of May 5th.

Ms. Hayhow: Yes.

Unidentified Speaker: What time would that be?

Mr. Pendley: May 5th at 6:30 p.m. on Zoom. A clarification, we will provide courtesy letters to surrounding property owners, as provided in the original public notice and also that information will be provided on the County Planning Zoning Board website.

Chair Loyd: Perfect. Thank you, Sean.

VI. OTHER BUSINESS

Mr. Schlesselman: I just wanted to remind everybody that this was my last meeting, and resignation is effective tomorrow.

Chair Loyd: Well, Ed, you kind of beat me to my punch there.

VII. BUSINESS FROM THE FLOOR [None]

VIII. NEW BUSINESS

Chair Loyd: Yeah, so everybody, this is Ed's last meeting. He has been a member for a long time. How many years, Ed?

Mr. Schlesselman: Started ten now, and throw that out on top of 32 years working at the Sheriff's Office, so that's 42 years.

Unidentified Speaker: Wow, that's awesome.

[crosstalk]

Chair Loyd: Why are you quitting, slacker?

Mr. Schlesselman: You know, I'm still trying to decide what I want to do when I grow up.

Chair Loyd: I get that.

Mr. Schlesselman: So, we'll work on that.

Chair Loyd: Thank you so much for your service in law enforcement and your service on this panel. I want to give other people some opportunities to speak, and then when everybody gets all done, I want you to make the motion to adjourn.

Mr. Schlesselman: Okay, will do.

Chair Loyd: I'm going to open it up for other people for comments here.

Mr. Leipzig: I just wanted to offer our thanks on behalf of staff to Ed. It's been a pleasure to work with you, Ed. I appreciate all of your comments. Even this evening, your comments are always very appropriate and well thought out, and I certainly appreciate all that you've done in your time with this Zoning Board, so thank you very much, sir. I appreciate it.

Mr. Schlesselman: You're welcome. Thank you.

Mr. Klingensmith: Ed, you'll definitely be missed on this Board, but I look forward to working with you in your role on the Oxford Zoning Board, and my role on the Aubrey Township Zoning Board, so hopefully from that perspective we'll be working together again, so that's good.

Mr. Schlesselman: Appreciate that, and hopefully you and Rick Lind, maybe sometime we can get together and talk shop. How about that? Thank you.

Mr. Pendley: I echo Jay's comments. We really appreciate all your service on this Board. The volunteer efforts that all of the Board members provide, we can't say how much we appreciate that, and since I've been here, you've always been a consistent contributing member. We really do appreciate all your service, and we'll miss you. I can definitely say that.

Mr. Schlesselman: I'll be around. Thank you, though.

Mr. Klingensmith: I don't know. These last couple meetings with Ed have been in the four or five hour range, so...

Mr. Schlesselman: It's tough to take me for that long. You've just got to ask my wife. I'll miss Dennis, too, but I know where he lives.

Mr. Bollin: Well, Ed, I'll see you around.

Mr. Schlesselman: You will. Okay, well I will make a motion to adjourn, then.

IX. OLD BUSINESS

ADJOURNMENT

Motion by Mr. Schlesselman, seconded by Mr. Klingensmith, for adjournment.

Motion passed unanimously.

Thereupon, with no further business to come before the Southeast Consolidated Zoning Board, Chairman Meier, 10:36 p.m., declared the meeting to be *Adjourned*.

John Loyd, Chairman

ATTEST:

Secretary to the Board