

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, DECEMBER 6, 2017

4:00 p.m.

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders; and
- (b) Consider approval of Notice to Township Board for Cereal Malt Beverage License for The Clinton Store (Clerk's Office);
- (c) Consider approval of Notice to Township Board for Cereal Malt Beverage License for Poor Farm Restaurant (Clerk's Office)

REGULAR AGENDA

- (2) **CUP-17-00499**: Consider an amended Conditional Use Permit to renew the Conditional Use approval and to add a work program to the Teen Challenge Group Home, a *Non-Profit, Religious, Educational and Philanthropic Institution* use, located on approximately 17.4 acres at 1332 E 1600 Rd. Submitted by Heart of America Teen Challenge, Inc., property owner of record. Mary Miller is the Planner.

- (3) (a) Consider approval of Accounts Payable (if necessary)
- (b) Appointments
 Board of Zoning Appeals (1) positions 10/17
 Building Code of Appeals Board (2) positions 12/16
 Community Corrections Advisory Board (1) position
 Senior Services Board of Directors (3) positions
- (c) Public Comment
- (d) Miscellaneous

- (4) Adjourn

WEDNESDAY, DECEMBER 13, 2017

4:00 p.m.

- Presentation of Cookingham Award to Craig Weinaug
- Consent:
- Consideration of the 2018 Heritage Conservation Council's Natural & Cultural Grant Program Materials (Jan Shupert-Arick)
- Cereal Malt Beverage Resolution for license (Clerk's Office)

Regular:

- Economic Development Update (Larry McElwain)
- Amend 2017 Budget (Cammy Owens)

6:00 p.m.

- Mental Health Update (Bob Tryanski)

WEDNESDAY, DECEMBER 20, 2017

WEDNESDAY, DECEMBER 27, 2017 – Canceled

WEDNESDAY, JANUARY 3, 2018

- Proclamation for Human Trafficking Awareness Month – Kristen Tebow

WEDNESDAY, JANUARY 10, 2018

WEDNESDAY, JANUARY 17, 2018

WEDNESDAY, JANUARY 24, 2018

WEDNESDAY, JANUARY 31, 2018

Note: The Douglas County Commission meets regularly on Wednesdays at 4:00 P.M. for administrative items and/or 6:00 P.M. for public items at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.

NOTICE TO THE TOWNSHIP BOARD

STATE OF KANSAS DOUGLAS COUNTY, ss

TO THE TOWNSHIP CLERK, CLINTON TOWNSHIP

This is to notify the members of your Township Board that application has been filed with the Douglas County Commission for **The Clinton Store** to sell Cereal Malt Beverages at retail for consumption off the premises: **598 N 1190 Rd.**

The Township Board may within (10) days file an advisory recommendation as to the granting of such a license and such advisory recommendation shall be considered by the Board of County Commissioners before such license is issued KSA 41-2702.

Done by the Board of County Commissioners this **6th Day of December 2017**

CHAIRMAN

COUNTY CLERK

(SEAL)

The board of county commissions in any county shall not issue a license without giving the clerk of the township board in the township where the applicant desires to locate, written notice by registered mail, of the filing of the application.

NOTICE TO THE TOWNSHIP BOARD

STATE OF KANSAS DOUGLAS COUNTY, ss

TO THE TOWNSHIP CLERK, CLINTON TOWNSHIP

This is to notify the members of your Township Board that application has been filed with the Douglas County Commission for **Poor Farm Restaurant** to sell Cereal Malt Beverages at retail for consumption on the premises: **598 N 1190 Rd.**

The Township Board may within (10) days file an advisory recommendation as to the granting of such a license and such advisory recommendation shall be considered by the Board of County Commissioners before such license is issued KSA 41-2702.

Done by the Board of County Commissioners this **6th Day of December, 2017**

CHAIRMAN

COUNTY CLERK

(SEAL)

The board of county commissions in any county shall not issue a license without giving the clerk of the township board in the township where the applicant desires to locate, written notice by registered mail, of the filing of the application.

PLANNING COMMISSION REPORT
Regular Agenda –Public Hearing Item

PC Staff Report
11/15/17

**ITEM NO. 1 CONDITIONAL USE PERMIT FOR TEEN CHALLENGE GROUP HOME;
1332 E 1600 RD (MKM)**

CUP-17-00499: Consider an amended Conditional Use Permit to renew the Conditional Use approval and to add a work program to the Teen Challenge Group Home, a *Non-Profit, Religious, Educational and Philanthropic Institution* use, located on approximately 17.4 acres at 1332 E 1600 Rd. Submitted by Heart of America Teen Challenge, Inc., property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit to add a work program to the Heart of America Teen Challenge facility and to renew the Conditional Use approval subject to the following conditions:

1. The CUP shall be administratively reviewed every 5 years by the Douglas County Zoning and Codes Department.
2. The CUP approval shall remain valid for 10 years after approval by the Board of County Commissioners and shall expire at that time unless an extension request, submitted prior to that deadline, is approved.
3. Addition of the following notes to the 2009 approved CUP plan:
 - a. *"A work-program involving the recycling of pallets, or similar activity, is approved for the group home facility provided that:*
 - i. *All materials or products associated with the work program that are stored outdoors shall be screened with a combination of fencing and landscaping (cedar trees on the west side of the fence, planted every 6 ft) and shall be located in the general area shown below.*



- ii. *Most pick-ups and deliveries for the work program shall be made with Teen Challenge's pick-up and trailer. If a large pick-up or delivery is planned which requires the use of a larger vehicle, or a vehicle not owned by the facility, the applicant shall notify the Zoning and Codes Office prior to its use. This will allow the Zoning and Codes Office to monitor the frequency of the alternate vehicles."*

Reason for Request:

Applicant's Response:

To be able to continue our work experience program.

ATTACHMENTS

Attachment A: Narratives regarding the Teen Challenge group home and the work program

Attachment B: Zoning violation letter

KEY POINTS

- Zoning and Codes staff notified the property owner that they had received complaints about the exterior storage and deliveries associated with their work program and provided a Zoning Regulations Violation Letter, included with this report as Attachment B.
- The Conditional Use Permit (CUP) is being amended to add the work program component to bring the CUP into compliance with the regulations.
- The Amended Conditional Use Permit was approved in 2009 with a condition that the approval would expire in 10 years (Dec 31, 2019) unless an application for renewal was submitted prior to that deadline. This CUP amendment also requests to renew the Conditional Use approval.
- The conditions of the CUP limit the occupancy of the group home to 11 residents 16 years and older and to 3 on-site employees/counselors. Mark Halford, Executive Director of Heart of America Teen Challenge, noted they currently have 10 students (residents) and 2 staff members.

ASSOCIATED CASES

- **CUP-12-18-97** Conditional Use Permit for the establishment of the Teen Challenge facility was approved by the Board of County Commissioners on February 18, 1998.
- **CUP-06-07-09** Conditional Use Permit to amend the CUP removing the requirement to plat the property was approved by the Board of County Commissioners on March 23, 2010.

OTHER ACTION REQUIRED

- County Commission approval of amended Conditional Use Permit application.

PUBLIC COMMUNICATION

No public communication was received prior to the printing of this staff report.

GENERAL INFORMATION

Current Zoning and Land Use:

A (Agricultural) District; Heart of America Teen Challenge Group Home, *Non-profit, Religious, Educational And Philanthropic Institution.*

Surrounding land use:

To the east and south, and west: A (Rural Zoning: Agricultural) District; *Residential Detached Dwelling* to the west, property to the east and south, O'Connell Youth Ranch, *Non-profit, Religious, Educational And Philanthropic Institution.*

To the north: RM 15, (City Zoning: Multi-Dwelling Residential), *Undeveloped*; (Was annexed into the City of Lawrence in 2013 and has preliminary approvals (Preliminary Plat) for multi-dwelling residential development.

To the west: RS7 (City Zoning: Single-Dwelling Residential) District; *Detached Dwellings.*

(Figure 1)

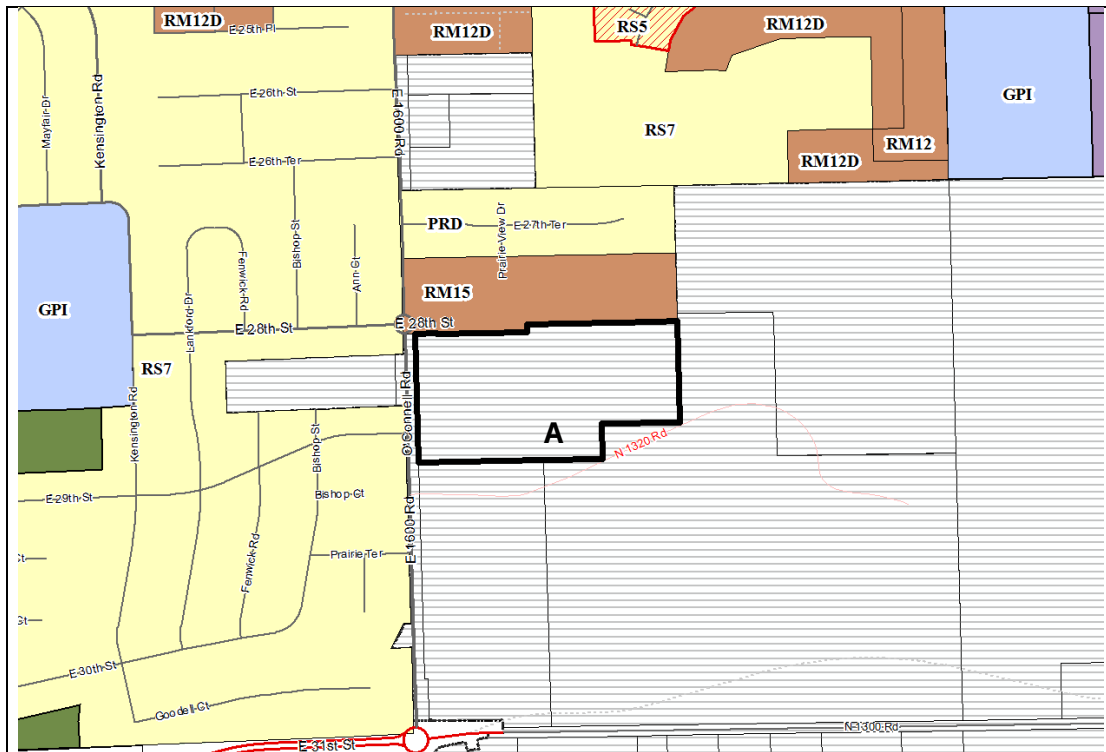


Figure 1a. Zoning in the area. Subject property outlined. (Property outside the city limits: A –Agricultural District, shown with stripes)

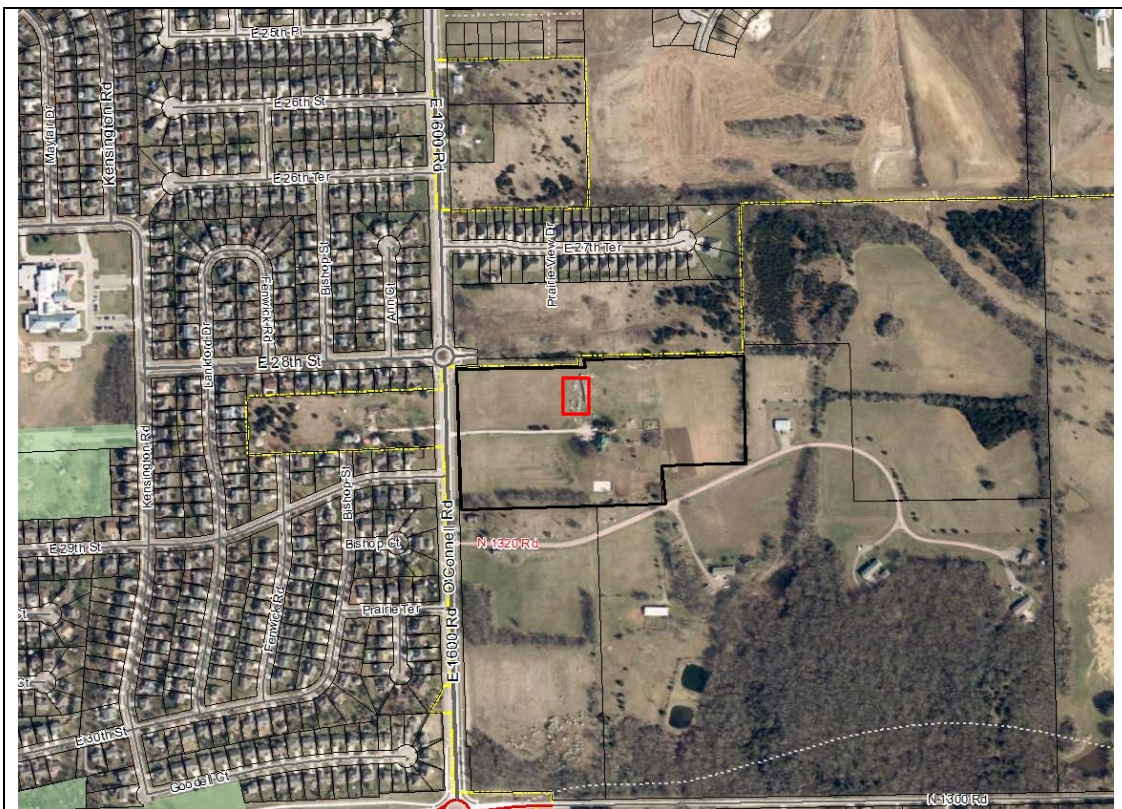


Figure 1b. Land use/development in the area. City limits shown in dashed yellow line. General area with stored pallets outlined in red.

Background

The Heart of America Teen Challenge group home was approved with a Conditional Use Permit in 1998, CUP-12-18-1997, as a *Non-Profit, Religious, Educational, or Philanthropic Institution*. A Conditional Use Permit was necessary as the facility does not meet the state definition of a 'Group Home' in which the residents have disabilities and the facility is registered with one of a list of state regulatory agencies (such as the State Board of Healing Arts, and Dept. of Social and Healing Arts). The purpose of the Heart of America Teen Challenge group home is to provide assistance to young men in need. Teen Challenge provided a summary of their overall program along with a narrative describing their work program. These are included with this report as Attachment A.

The CUP was originally approved in 1998 subject to a condition that the property owner would file a final plat with the Register of Deed's Office prior to February 1, 2000. The Zoning and Codes Director notified the property owner and the Planning Office in 2009 that this condition had not been met. As the property is within Service Area 1 of the Urban Growth Area platting of the property would require annexation into the City limits, per the City Annexation Policy.

Annexation posed several challenges for the property. The City Utility Engineer noted that it would be possible to extend utilities to the property but that it may be cost prohibitive. Another challenge was that there was no corresponding use in the City Development Code for the *Non-Profit Religious, Educational, or Philanthropic Institution* use. The Development Code defines *Group Homes* but doesn't contain a use category for homes that don't meet the State definition of a group home (aren't registered with health-related state agencies). Based on these challenges with platting, the property owner submitted an application to amend the CUP to remove the requirement to plat. This amendment was approved by the County Commission on March 23, 2010.

The number of residents had increased from 8 to 11 by 2009 and a note was added to the CUP plan that a further increase in residents would require an amendment to the CUP. The facility is in compliance with this requirement with 10 residents at the current time. A condition was applied to the CUP in 2009 that the approval would expire in 10 years, December 31, 2019 unless an application for renewal is approved by the County Commission prior to that date. This application for an amended CUP includes a request for the renewal of the Conditional Use approval.

Summary of Request

As part of their operations, the Heart of America Teen Challenge facility established a work program which is explained in detail in Attachment A. They pick up pallets from a business and the group home residents unload the pallets. Un-useable pallets are discarded or burnt, as permitted by the Fire Marshall, and the useable pallets are either resold whole or are disassembled and used for various projects.

Zoning and Codes staff received a complaint about exterior storage associated with the work program and determined that the use was in violation of the Conditional Use Permit. The Zoning and Codes Director mailed a violation letter to the property owner, Attachment B, who then contacted the Planning Office to submit an application to amend the CUP and bring the site into compliance. The 2009 approval of the CUP placed a 10 year expiration date on the Conditional Use. The current CUP amendment is intended to bring the work program into compliance with the CUP and to extend the CUP approval timeframe.

I. ZONING AND USES OF PROPERTY NEARBY

The subject property is zoned A (Agriculture) and is located at the eastern edge of the Lawrence City limits. This urban fringe area has a variety of zonings with A (Agricultural) District being the predominate zoning outside the City limits and residential zoning districts (RS7, RM15, PRD) being

the predominate zoning for nearby properties within the City limits. The subject property and approximately 120 acres to the east and south are used for group home type uses for young men.

Staff Finding –The area is at the eastern boundary of Lawrence and is a mix of urban/rural lands and uses. Residential land uses are the predominate uses in this area, with detached dwellings and townhomes being located within the City of Lawrence and group homes on large parcels, with associated accessory uses, including agriculture on properties outside the city limits.

II. CHARACTER OF THE AREA

The area contains a blend of urban and rural uses. To the west of O'Connell Road, the principal land use is detached dwellings within the City of Lawrence with some rural residences on properties that are outside the city limits. Some development is occurring east of O'Connell Road with a residential development to the north. The parcel to the north of Teen Challenge was annexed and rezoned in 2013, but has not yet developed. The remainder of the area to the east of O'Connell Road contains group home type uses on large parcels (approximately 15 and 120 acres in area)

Staff Finding – The area contains a blend of urban/rural uses, with O'Connell Road being a general demarcation line between the two types of uses. Urban residential is the predominate use on the west side of O'Connell and rural group home facilities are the predominate uses on the east side.

III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant's Response:

"Very suited. 18 acres with substantial setback."

The subject property is zoned A (Agricultural) District. Section 12-306 of the County Zoning Regulations notes *"...the purpose of this district is to provide for a full range of agricultural activities, including processing and sale of agricultural products raised on the premises, and at the same time, to offer protection to agricultural land from the depreciating effect of objectionable, hazardous and unsightly uses."* The A District is associated with a majority of the unincorporated portion of Douglas County.

Uses allowed in the A District include: farms, truck gardens, orchards, or nurseries for the growing or propagation of plants, trees and shrubs in addition other types of open land uses. It also includes residential detached dwellings, churches, hospitals and clinics for large and small animals, commercial dog kennels, and rural home occupations. In addition, uses enumerated in Section 12-319 which are not listed as permitted uses in the A District, may be permitted when approved as Conditional Uses. The property is well suited for uses which are permitted in the A District.

The property is also well suited to the existing use. The Teen Challenge group home facility is set back from the road and functions as a typical residence. The work program includes an exterior storage component which differentiates it from the nearby urban residences. With proper screening of the stored materials for the work program, the property remains well suited to the use.

Staff Finding –The property is suitable for the uses which are permitted within the A (Agricultural) District as well as the existing Conditional Use, with proper screening of the exterior storage.

IV. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Staff Finding – County Zoning Regulations were adopted in 1966; this property has been zoned "A (Agricultural)" since that adoption. This property is not vacant, but has been used as a group home since the approval of the Conditional Use Permit in 1997.

V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Applicant's Response:

"Should have no effect."

Section 12-319-1.01 of the County Zoning Regulations recognize that "*certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited.*" The existing use is included in the Conditional Uses enumerated in Section 12-319-4.37 of the Zoning Regulations for the Unincorporated Territory of Douglas County as a *Small Scale Industrial Use*.

The group home facility has been in place since 1997 with no complaints, with the exception of the recent complaint regarding the exterior storage. Based on these complaints, and the proximity of the facility to other residences, any exterior storage associated with a work program should be effectively screened to limit any visual impact on nearby property owners or residents.



Figure 2. Exterior storage picture provided with violation letter.

The applicant noted that they typically use their own pick-up and trailer to pick up and deliver the pallets or products made from the pallets. The truck they use is shown in Figure 3.



Figure 3. Vehicle typically used for pick-up and deliveries of pallets.

The activity associated with the work program is set back approximately 500 ft from the road. They are developing screening with fencing made from the recycled pallets and will be planting 28 cedar trees on the west side of the wall about 6 ft apart. (Figure 4) This should provide an effective screen, particularly when the trees have grown. The storage is screened from the properties to the north and east by existing vegetation and by the Teen Challenge residence.

Staff Finding –The work program is low intensity in that it doesn't involve the use of any large power tools or large equipment. Deliveries and pick-ups are primarily made by the facility in their pick-up truck and trailer. The pallets are stored on the site and could visually impact nearby land uses; therefore, the exterior storage will be screened with a fence and landscaping.

VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS

Evaluation of the relative gain weighs the benefits to the community-at-large vs. the benefit of the owners of the subject property.

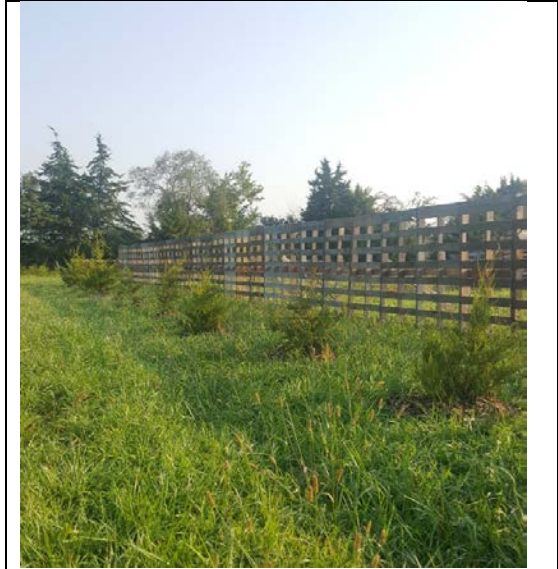


Figure 4. Example of screening

Approval of this request would allow the facility to continue with its work program as part of their curriculum for their residents. Requiring the exterior storage to be screened will reduce potential negative impacts on nearby properties. The facility currently uses their vehicles for most of the deliveries and pick-ups associated with this use. A condition should be applied to the CUP to insure this practice continues.

Staff Finding –The approval of this request will allow the work program for the residents to continue. As conditioned the work program would have little, if any, negative impact on nearby properties; therefore, denial of the request would provide no benefit to the public health, safety or welfare.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

An evaluation of the conformance of a Conditional Use Permit request with the comprehensive plan is based on the strategies, goals, policies and recommendations contained within *Horizon 2020*. A Conditional Use Permit provides additional review for uses which may be desirable in an area, but could have negative impacts. This tool allows development to occur in harmony with the surrounding area and to address specific land use concerns.

Staff Finding – The Conditional Use was found to be in conformance with the Comprehensive Plan when originally approved in 1998. This request is to add an accessory use to the facility and would not alter the conformance with the Comprehensive Plan.

CONCLUSION

The proposed amendment to the CUP to add a work program as an accessory use to the group home facility complies with the review and approval criteria in Section 12-319-1 of the Zoning Regulations as shown in this report. Screening of any exterior storage areas and a condition limiting most pick-ups and deliveries to Teen Challenges' pick-up and trailer should minimize any off-site impacts. If a large pick-up or delivery is planned which requires the use of a larger vehicle, or a vehicle not owned by the facility, the applicant shall notify the Zoning and Codes Office prior to its use. No approval is necessary for this pick-up or delivery, but the Zoning and Codes Office can monitor the frequency of the alternate vehicles and limit as necessary to insure compatibility with nearby land uses.

The CUP was revised in 2009 to remove a platting requirement and at that time a 10 year expiration date of December 31, 2019 was established. Given the slow pace of development in this area, and the fact that the negative impacts of the exterior storage will be effectively mitigated, in staff's opinion it would be appropriate to extend the approval for 10 years, to expire 10 years following the date of the County Commission's approval of the amended CUP.

BRIEF OVERVIEW OF TEEN CHALLENGE

TEEN CHALLENGE works on a holistic model of recovery over Life-controlling issues. This means that we are concerned with the body, mind, and spirit of those who come to our addiction recovery centers. We endeavor to help people become mentally sound, emotionally balanced, socially adjusted, physically well, and spiritually alive.

HOW THE CENTERS THAT MAKE UP ADULT AND TEEN CHALLENGE USA APPROACH HOLISTIC RECOVERY

We, at Adult and Teen Challenge USA, are confident that a restored relationship with God, through Jesus Christ, can transform those who suffer from addiction into vibrant, free, and sober followers of the Lord.

We base the curriculum and community of our addiction recovery centers on God's Word—the Bible. Our Centers offer practical, appropriate, and accessible Bible-based courses to facilitate the transition from alcoholism and substance abuse to a life of freedom in Christ. At Adult and Teen Challenge USA, we offer a chance to start over, become a new person, live a godly life, and find freedom through a restored purpose and an eternal hope. We do this through classes, individual study, personal mentoring, work ethics training, and involvement in the Christian community.

ADULT AND TEEN CHALLENGE USA LOCATIONS

There are over 200 Adult and Teen Challenge USA residential programs throughout the United States. These Centers offer a variety of programs that include drug addiction help, alcohol recovery, and services for youth, adults and families. Admission requirements, fees, and tuition costs vary from program to program. Teen Challenge USA (a 501(3)(c)) is diligent to provide cost-effective programs, however, the significant resources required to provide training, lodging, meals, supervision, and other expenses necessitate the generous support of our friends, faith communities, and society.

FAITH, COMMUNITY, AND HEALTH

Addiction destroys more than just the body, so it should be no surprise that Adult and Teen Challenge USA's addiction recovery centers consider all aspects of their students' lives. Because addiction starts as a way to fulfill a void that only God can fill, a strong relationship with the Lord is foundational to our program. We construct this foundation in our students by teaching them the Word of God and by placing them in an environment where they can bond with other growing disciples.

HEART OF AMERICA TEEN CHALLENGE OF GREATER KANSAS CITY, INC.

Heart of America Teen Challenge of Greater Kansas City, Inc. opened our residential Center in Douglas County, Kansas in 2000. Since the time of our opening we have taken in over 300 students into our residential facility. We have seen dramatic changes occur in lives of those previously battling Life-Controlling issues.

At our facility just outside of Lawrence, KS we offer 24 hour supervision and counsel for students enrolled in our yearlong residential program. Not only do our students experience Christian counsel and classes they also participate in our Work Experience Program where they learn good work habits and attitudes.

From: [Mark Halford](#)
To: [Mary Miller](#)
Subject: Work Program at Heart of America Teen Challenge
Date: Friday, August 04, 2017 12:03:17 PM

Mary Miller;

As you requested here is a brief narrative of the Heart of America Teen Challenge work program regarding wooden pallets on property.

First of all, the work program at Heart of America Teen Challenge is an essential part of our training. The HOATC work experience program emphasizes good work habits and attitudes. We attempt to instill a positive work attitude into all of our students so they can become productive members of society. We offer several different work experience opportunities including working with pallet processing.

What is Pallet Processing? Heart of America Teen Challenge in coordination with a business in New Century, KS picks up pallets from their business location. The business makes a contribution to HOATC for picking up there pallets. The guys load and unload the pallets and as they are unloaded they are neatly stacked on our property to be processed. We will then go through the pallets and separate the bad pallets from the good ones. The bad pallets will be burnt (as permitted by the fire Marshall). The good pallets will either be left whole to be sold (We just sold 300 pallets to a farmer for his hay), or carefully disassembled to be used for various projects. Some projects previously done with pallet lumber include: Coffee Table, Porch Bench, Temporary fencing for Goats, Rack, Goat Shed, Garden Stakes, Rabbit Hutch, Etc.

It is sad that someone would complain about these pallets which we have been working with for years now. We keep our property mowed and our pallets neatly organized far away from any neighboring properties and as I previously shared, they provide teaching work projects for our students.

Thank-you for your help with this issue.

Mark L. Halford; Executive Director



DOUGLAS COUNTY ZONING & CODES

3755 East 25th Street
Lawrence, KS 66046
785.331.1343

July 31, 2017

Heart of America
Teen Challenge Inc.
PO Box 738
Baldwin City, KS 66006

RE: Zoning Violation: 1332 E 1600 Rd

To whom it may concern,

We have received continual complaints that the property referenced above is being used to stockpile off-site materials. We inspected your property on July 27, 2017 and acknowledged wood pallets are being delivered to your property from other locations.

Photos of these conditions are attached. Your property is located in an A- Agricultural Zoning District which does not allow for the operation of stockpiling off-site materials. Dumping of these materials from a contractor, generated from a place other than your own property, requires a conditional use permit. A conditional use permit application can be obtained through Mary Miller, Douglas County Planning Division at 785-832-3147. The conditional use process requires neighbor notification and an open public hearing to voice support and/or concerns. The planning commission makes recommendation to the county commissioners for approval or denial.

Please be advised that violations of the Douglas County Zoning Regulations are subject to judicial review. You have thirty (30) days from the date of this letter to remove the stockpiled off-site materials or apply for a conditional use permit with the Douglas County Planning Division.

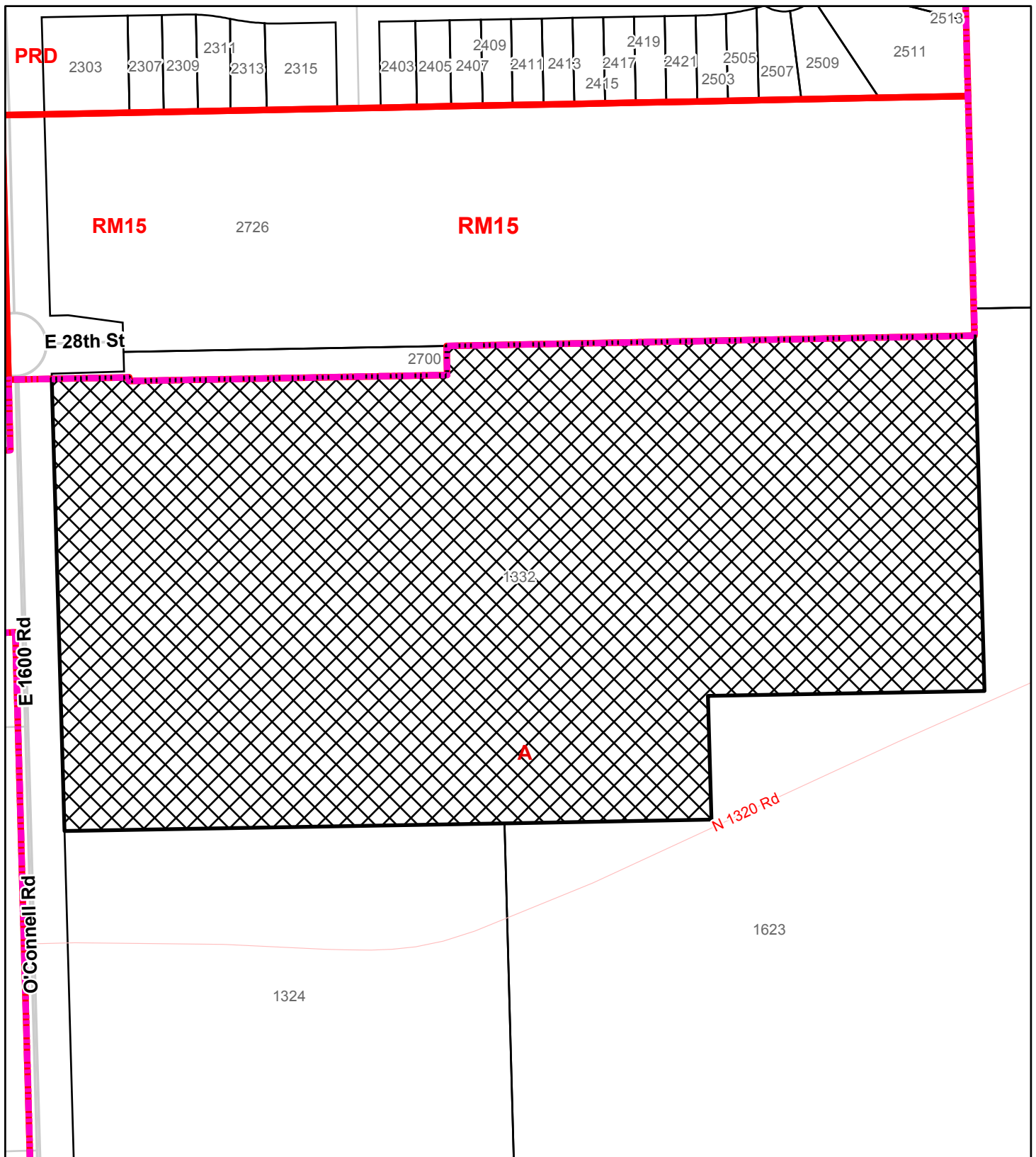
Please contact me at 785-331-1343 if I can be of any assistance.

Sincerely,

Tonya Voigt
Planning & Zoning Coordinator



cc: Sean Reid, Director of Zoning & Codes



CUP-17-00499: Consider an amended Conditional Use Permit to renew the Conditional Use approval and to add a work program to the Teen Challenge Group Home, a Non-Profit, Educational, and Philanthropic Institution Use, located at 1332 E 1600 Rd



ITEM NO. 1 CONDITIONAL USE PERMIT FOR TEEN CHALLENGE GROUP HOME; 1332 E 1600 RD (MKM)

CUP-17-00499: Consider an amended Conditional Use Permit to renew the Conditional Use approval and to add a work program to the Teen Challenge Group Home, a *Non-Profit, Religious, Educational and Philanthropic Institution* use, located on approximately 17.4 acres at 1332 E 1600 Rd. Submitted by Heart of America Teen Challenge, Inc., property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Mark Halford, American Teen Challenge, said that 50 cedar trees were along the fence. He said he didn't know they were in violation of anything and nobody had complained until now.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Butler inquired about the size of trucks visiting the site.

Ms. Miller said a complaint was made about a larger truck at the site and there was concern about it becoming more industrial with larger trucks.

Mr. Halford said the truck in question was a farmer that purchased pallets and picked them up with a big hay trailer. He said that the farmer did not drop off anything and that nobody ever drops off pallets.

Commissioner Willey expressed concern about limiting vehicles and that vehicles should be expected in an agriculture area.

Commissioner Sands asked if the business had been in place since 1996.

Ms. Miller said yes.

Mr. McCullough said the area was urbanized in the 1990's.

ACTION TAKEN

Motioned by Commissioner Willey, seconded by Commissioner Carpenter, to approve the Conditional Use Permit to add a work program to the Heart of America Teen Challenge facility and to renew the Conditional Use approval subject to the following conditions:

1. The CUP shall be administratively reviewed every 5 years by the Douglas County Zoning and Codes Department.
2. The CUP approval shall remain valid for 10 years after approval by the Board of County Commissioners and shall expire at that time unless an extension request, submitted prior to that deadline, is approved.
3. Addition of the following notes to the 2009 approved CUP plan:
 - a. *"A work-program involving the recycling of pallets, or similar activity, is approved for the group home facility provided that:*
 - i. *All materials or products associated with the work program that are stored outdoors shall be screened with a combination of fencing and landscaping (cedar trees on the west side of the fence, planted every 6 ft) and shall be located in the general area shown below.*



Unanimously approved 10-0.

DRAFT