

## MINUTES

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1. The meeting was called to Order with Roll Call by Chairman Bob Garrett.

2. Roll Call:	Fisher	Present	Garrett	Present
	Lane	Present	Manson	Present
	McPherson	Present	Shultz	Present
	Templin	Present		

### 3. General Business:

A. Approve Planning Commission Agenda.

Motion by Commissioner Manson to approve the Agenda; second by Fisher.

All Commissioners approved by “ayes.”

Motion carried.

B. Approve Minutes of the Planning Commission meeting held on January 28th, 2020.

Motion by Commissioner Lane to approve the Minutes as presented; second by McPherson.

Roll Call:	Fisher	Yes	Garrett	Yes
	Lane	Yes	Manson	Yes
	McPherson	Yes	Shultz	Yes
	Templin	Yes		

Motion carried.

C. Disclosure of conflicts of interest. None.

D. Disclosure of outside communications regarding Commission business. None.

### 4. Call to Public:

Members of the public who wish to address the Planning Commission regarding items not on the agenda may do so at this time. Any presentation is for information purposes only. No action will be taken. There is a four-minute time limit.

Administrator Brungardt commented on the video and microphones being on. If the microphone isn't on, the video audience will not be able to hear Commissioners speaking.

### 5. Public Hearing:

- A. Consider a Special Use Permit for a Bed and Breakfast at 8753 Waverly Road. Planning Director Weisenburger provided comments as set forth in the Memo to the Commission dated February 25<sup>th</sup>, 2020. The property owner has submitted the application, a letter of intention, and provided a site plan. Neighbors were notified by letter. Staff has received two responses; both were in favor of the proposed bed and breakfast. Planning Director Weisenburger reviewed the General Zoning Requirements and the Matters to be Considered. The findings were all 'positive' in favor of granting the Special Use Permit. Staff is in favor of recommending approval to the City Council.

Commissioner Lane asked about the Transient Guest Tax. The applicant stated he found that Johnson County doesn't have a Transient Guest Tax; however, the City of De Soto does have it. Discussion ensued between Commissioner McPherson and Staff concerning the collection of City sales tax. Commissioner Templin said if there isn't something already within the regulations for a bed and breakfast, then we need to check with other cities and inquire how a bed and breakfast does or does not pay taxes.

Chairman Garrett opened the Public Hearing.

Larry and Pam Ammermon, 8790 Waverly Road, live across the street from the proposed bed and breakfast. They are in favor of this proposed business endeavor. The applicants are good neighbors. He recommends approval of the bed and breakfast.

No further comments were heard, and Chairman Garrett closed the Public Hearing.

Motion by Commissioner Templin to recommend approval to the City Council in granting a Special Use Permit for a Bed and Breakfast at 8753 Waverly Road for a term of ten (10) years with an automatic annual renewal after the initial ten (10) year period; second by Lane.

Roll Call:	Fisher	Yes	Garrett	Yes
	Lane	Yes	Manson	Yes
	McPherson	Yes	Shultz	Yes
	Templin	Yes		

Motion carried.

Commissioner Templin said he feels the bed and breakfast business should be a topic of discussion at a future meeting. He requested Staff check with other cities on how they handle the bed and breakfast businesses and taxes.

- B. Consider a text amendment for allowing fowl on less than one (1) Acre. Planning Director Weisenburger said this matter has been discussed at length the past several months. He has incorporated the comments of the Commissioners. Planning Director Weisenburger commented on the wording in the public hearing notice on the tracts less than one (1) acre. He has also revised the application form per the discussion at the last meeting. Commissioner Templin said the language in paragraph (1) is confusing and should be corrected as the interpretation isn't clear on side and rear setbacks.

Chairman Garrett opened the Public Hearing for comment.

Alicia Champlain, 34570 W. 85<sup>th</sup> Terrace, said they are 'pro backyard' chickens. She said it would be good to be able to have a nice coop on a less than one-acre lot.

Andrea Newman, 85<sup>th</sup> and Hilltop Road, said she is 'pro backyard' chickens. She said it would be good for children in 4H projects and Scouting to have chickens.

Chairman Garrett closed the Public Hearing as there were no further comments.

Motion by Commissioner Manson to recommend approval to the City Council of the text amendment; second by Fisher.

Roll Call:	Fisher	Yes	Garrett	Yes
	Lane	Yes	Manson	Yes
	McPherson	Yes	Shultz	Yes
	Templin	Yes		

Motion carried.

**6. Old Business:** None.

**7. New Business:**

- A. Discuss text amendment to allow auto sales in the C-1 zoning district. Planning Director Weisenburger commented on the history of Dean Weller's hobby and antique cars in the building on 83<sup>rd</sup> Street. Mr. Weller is ready to sell the building and the prospective buyer would like to preserve the auto-related legacy of the building as a classic car business/garage. However, since Mr. Weller operated as a hobby, there wasn't a dealers' license required. The prospective buyer will be required to have a dealer's license from the State of Kansas to operate at this location. The City Code would have to be amended by the Planning Commission and the City Council for a Special Use Permit to be allowed to operate this type of classic car auto showroom/sales business.

Administrator Brungardt commented that a text amendment process will require several months of discussions and a thorough review of the downtown area zoning requirements and restrictions. The prospective buyer wants to continue with a classic car showroom, potential classic auto sales, and to participate in community events. A Special Use Permit would be a tool to regulate and oversee this business, if a text amendment should be approved.

Chairman Garrett polled the Commissioners for their thoughts. Commissioner Manson is in favor of a review. Commissioners Fisher agreed. Commissioner Lane asked if there was any concern with paint fumes, or chemical smells. Commissioner Shultz said he likes the idea of someone coming to keep the history alive. Commissioner McPherson said it is a good idea and has been a car-related building for many years. Commissioner Templin asked if this would be a text amendment to the C-1 Zoning. A discussion ensued between Commissioner Templin and Administrator Brungardt. The C-1 Zoning District is for the two blocks of the downtown area on 83<sup>rd</sup> Street. Commissioner Templin and Chairman Garrett are in favor of moving forward.

Discussion ensued. Planning Director Weisenburger commented that Mr. Weller had some offers to purchase the building; however, he wanted to keep the building as a car-

related building to preserve the history of the building. A discussion continued among Commissioners and Staff. Staff will draft a proposed text amendment for Commissioners to review in March.

Commissioner Shultz said the downtown area is moving along with new businesses. His main concern is people not following the “no left turn” signs and also flipping a “U” in the middle of the block. He said the City needs to get more signage and have more law enforcement of the downtown area to enforce the law.

Commissioner Manson thanked Planning Director Weisenburger for emailing the packet. Discussion on the packet delivery.

No further business came before the Commissioners.

Motion to adjourn by Manson; second by McPherson.

All Commissioners approved by “ayes.”

Motion carried.

Respectfully Submitted:

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Lana R. McPherson, MMC, City Clerk