

**CITY OF DE SOTO  
PLANNING COMMISSION**

City Hall, 32905 W. 84<sup>th</sup> Street  
September 22, 2009 – 7:00 P.M.

**MINUTES**

1. The meeting was called to order with Roll Call by Chairman Michael Kroeger.

2. Roll Call:	Crumbaker	Present	Kroeger	Present
	Hemphill	Present	Krudwig	Absent
	Honomichl	Present	Lane	Absent
	Winslow	Present		

3. **General Business:**

- A. Approve Planning Commission Agenda. Chairman Kroeger asked Planner Bohnsack about Item 6. B since the official Public Hearing on this matter has been closed. Discussion that the hearing is closed; however, discussion is ongoing.

Motion by Commissioner Honomichl to approve the Consent Agenda with the consideration of Item 6. B to be continued discussion as the Public Hearing was held and has been closed; second by Winslow.

All Commissioners approved by “ayes”.

Motion carried.

- B. Approve minutes of the August 25, 2009 Planning Commission meeting.

Motion by Commissioner Honomichl to approve the Minutes; second by Crumbaker.

Commissioners approved by “ayes” with Commissioner Hemphill abstaining.

Motion carried.

- C. Disclosure of conflicts of interest. N/A

- D. Disclosure of outside communications regarding Commission business. N/A

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.

No one appeared and Chairman Kroeger closed the Call to Public.

5. **Public Hearing:**

- A. Public hearing to consider an application to rezone property located at 27943 & 27945 W 85<sup>th</sup> Terrace (Lot 91, Oak Manor Estates) from “RUR” Rural District to “R-1” Residential—Low Density District. Chairman Kroeger called for comments. Planner Bohnsack stated the applicant has conferred with staff regarding this property’s rezoning. She further reviewed the criteria for the rezoning and those matters to be considered are “positive” in favor of the rezoning. There were no objections from surrounding property owners to this rezoning application. Engineer Brungardt stated he has worked with the applicants regarding the rezoning request. Discussion between Engineer Brungardt and Commissioner Honomichl regarding the future lot split for this property. Discussion ensued between Planner Bohnsack and Commissioners regarding the property’s access points and lot sizes.

Chairman Kroeger opened the public hearing. No comments were voiced, and the public hearing was closed.

Motion by Commissioner Winslow to approve the application to rezone property at 27943 and 27945 W. 85<sup>th</sup> Terrace from RUR Rural District to “R-1” Residential-Low Density District; second by Honomichl.

Roll Call:	Crumbaker	Yes	Kroeger	Yes
	Hemphill	Yes	Krudwig	Absent
	Honomichl	Yes	Lane	Absent
	Winslow	Yes		

Motion carried.

**6. Old Business:**

- A. Re-Consider change in wording for proposed fence regulations amendment. Planner Bohnsack stated the Council returned this for clarification of wording based upon City Attorney Reavey’s suggestions. Planner Bohnsack provided an excerpt from the proposed regulations for the Commissioners’ consideration. She also stated that in paragraph D, item 7, needed to be added.

Chairman Kroeger discussed the height being from the top of the fence façade to the ground. Planner Bohnsack agreed. Commissioner Honomichl stated the last sentence of paragraph A should have been deleted. Engineer Brungardt stated the Council had requested the changes be considered.

Motion by Commissioner Honomichl to recommend revisions to Article 5, Section 11, Fences, of the Zoning Regulations, to include the language provided to City Council by memo dated September 11, 2009, from Planner Linda Bohnsack with the following revisions: modifying paragraph D, Item 1, regarding setbacks shall read: “Front Fence Line: In all areas, fences may be placed at the joint property line/road right-of-way line, but in no case shall the fence be closer than 15’ to the back of the curb or the edge of the paved street” ; and to modify D. 6, of setbacks, to read “Fences proposed within utility easements may be prohibited by the easement holder and nothing herein, or a permit issued hereunder, shall be construed as modifying such prohibition”; and adding Item 7, under D. Setbacks, to read, “In no case shall fences be allowed within the right of way”; and further, to add the graphic presented at the meeting tonight

illustrating the top of façade of fence definition to Section C. Height of Article 5; second by Crumbaker.

Roll Call:	Crumbaker	Yes	Kroeger	Yes
	Hemphill	Yes	Krudwig	Absent
	Honomichl	Yes	Lane	Absent
	Winslow	Yes		

Motion carried.

- B. Public hearing to consider the proposed Rural Agriculture Zoning District. Chairman Kroeger and Planner Bohnsack discussed the text amendment and the language that Commissioners agree upon. Planner Bohnsack stated the items requested have been incorporated. Commissioner Honomichl asked about the proposed new definitions in Exhibit C. Discussion between Planner Bohnsack, Chairman Kroeger and Commissioner Honomichl regarding the definitions and their relationship to the uses in Appendix A.

Planner Bohnsack said there needs to be something in the definition that defines the use of the property for particular purposes because the NAICS Code does not differentiate between the intensity of uses. Discussion ensued between Commissioner Honomichl, Planner Bohnsack and Engineer Brungardt regarding “large scale” dairy farm language as shown in the Appendix A. Commissioner Crumbaker and Planner Bohnsack discussed the City Code amendments that will need to be considered. Commissioners discussed the definitions and “intensive” animal operations definitions. Engineer Brungardt and Commissioners discussed the trigger mechanism for a special use permit. Commissioners Hemphill and Honomichl said they would prefer to see a number of animals stated.

Commissioners discussed the cattle operation differences with Mr. John Anderson. Mr. Anderson also discussed different types of grazing and feeder cattle scenarios and the vegetation that can be sustained per the number of animals on the ground.

Commissioners and staff further discussed the forest/woodland definitions as opposed to forestry and logging definitions. Commissioners continued discussions throughout the definition list.

Commissioners and staff discussed proceeding with the agricultural regulations and continue a review of the definitions and Appendix A at a later meeting. They determined that the bulk of the text needed to adopt the R-A district could be forwarded to the City Council, while reserving the definitions list for further review.

Motion by Commissioner Honomichl to recommend City Council approval of text amendments to the Zoning Regulations to create an “R-A” Rural Agricultural District, the text to be approved including the following items provided in the staff report: Table of Contents, Article 3, Article 4, Article 5, including the language provided in Exhibit D, with the addition of Section 9, included in the Staff Report, Article 6, Article 7, Article 8, including the text provided on the memo dated September 22, 2009, distributed at this Planning Commission meeting, Article 10, including Exhibit “E” (Appendix A) as included in the Staff Report, and Article 13; second by Winslow.

Roll Call:	Crumbaker	Yes	Kroeger	Yes
	Hemphill	Yes	Krudwig	Absent
	Honomichl	Yes	Lane	Absent
	Winslow	Yes		

Motion carried.

- C. Consideration of an amendment to the Official Zoning Map for the City of De Soto, Kansas that will change the zoning on ~150 parcels from a County zoning classification to an appropriate City Zoning District. (Tabled since 4/28/09)

**Recommendation:** Table to allow property owners time to consider the proposed Rural Agriculture zoning district. Staff will also need to make another formal public notice. Staff and Commissioners discussed that information from the County hasn't been received yet regarding the tax impact to these properties.

Motion by Commissioner Crumbaker to table this matter to the November 24<sup>th</sup> Planning Commission meeting; second by Winslow.

All Commissioners approved by "ayes".

Motion carried.

**7. New Business:**

**8. Staff Advisory Reports:**

Linda Bohnsack reminded the Planning Commission about the opportunity to attend the Wind & Solar Energy Planning Workshop on October 3, 2009 in Parkville, MO. It would be an excellent opportunity to visually inspect the types of equipment that they will be addressing in new regulations

**9. Calendar:**

- A. *October 1<sup>st</sup>* - City Council - Tentative Planning agenda items include:
  - Proposed amendment for fence regulations
- B. *October 15<sup>th</sup>* - City Council - Tentative Planning agenda items include:
  - Consideration of Hileman rezoning application
  - Consideration of Rural Agriculture Zoning District
- C. *October 27<sup>th</sup>* - *Planning Commission – Tentative agenda items include:*
  - Rezoning of County-zoned properties – **delayed to November**
  - SUP for wind energy system/monitoring tower – **delayed to November**
  - Site Plan from Glavin Development for senior housing – **delayed to November**
  - Extension of Preliminary Plat for De Soto Ridge Subdivision
- D. *Upcoming Business*
  - Consideration of SUP for archery range at Widow Big Knife Park– **expected at the November meeting.**

- Revisions to Wind Energy Conversion Systems regulations
- New regulations for other energy systems—solar, thermal, etc.

#### Pending Business

- Comprehensive Plan review issues: gateway/viewshed criteria, downtown redevelopment plan and design criteria
- Review SUP uses for R-A district and determine if additional regulation needed: stable/riding arena, composting site, livestock sales, intensive livestock operations,
- Regulations for livestock usage in R-A District and amendment of City Code

#### Issues for Future Discussion

- Green building codes – Handout from Steve Chick
- Consideration of Conservation Subdivision Design regulations as a development tool
- Consideration of regulations for package sewage treatment plants
- General review of the Future Land Use Map to consider amending areas where recent zoning decisions do not agree with map recommendations.
- Comprehensive Plan comparison with Zoning & Subdivision Regulations in order to better implement the Plan
- Stream buffer/conservation buffer regulations
- Floodplain, natural areas and open space protection overlay regulations

Commissioners commented on the calendar. Commissioner Crumbaker said he continues to struggle with Appendix A. Comments from Commissioners.

Motion by Commissioner Crumbaker to adjourn at 9:15 p.m.; second by Honomichl.

All Commissioners approved by “ayes”.

Motion carried.

Respectfully submitted:

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Lana R. McPherson, MMC, City Clerk