

**CITY OF DE SOTO
PLANNING COMMISSION**

City Hall, 32905 W. 84th Street
October 27, 2009 – 7:00 P.M.

MINUTES

1. The meeting was called to order by Chairman Mike Kroeger.

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

3. General Business:

A. Approve Planning Commission Agenda. Chairman Kroeger said that the applicant in business Item 7A. would like to be considered earlier than scheduled.

Motion by Commissioner Krudwig to approve the Agenda with the modification of moving Item 7.A forward for consideration after Item 5. Public Hearing; second by Honomichl.

All Commissioners approved by “ayes”.

Motion carried.

B. Approve minutes of the September 22, 2009 Planning Commission meeting.

Motion by Commissioner Hemphill to approve the Minutes; second by Winslow.

All Commissioners approved by “ayes” with Commissioner Krudwig abstaining due to his absence from that meeting.

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.

Jim Coyle, 10787 S. Cedar Niles Circle, Olathe, KS 66018, commended the City on the 83rd Street project. He said it looks great. Mr. Coyle asked about the property across from his property on 83rd Street. Engineer Brungardt stated this is under the Bureau of Indian Affairs and not in the jurisdiction of the City of De Soto.

5. Public Hearing:

(NOTE: Item 7.A. was moved forward to this time.)

- A. Consideration of renewal request for De Soto Ridge Preliminary Plat. Planner Bohnsack reviewed the comments in her staff report dated October 23, 2009. Chairman Kroeger asked staff how long the extension could be granted for. Discussion between Engineer Brungardt and Commissioner Honomichl on the one-year extension recommendations from previous plat extension requests. Staff recommends no more than a one-year extension be granted as information can become dated or inaccurate due to changing conditions or changes in regulations.

Mr. Coyle stated he doesn't want to start over again on the plat process; and until the market changes, he can't develop the ground. Discussion between Chairman Kroeger and Mr. Coyle regarding the preliminary plat. Mr. Coyle stated there is no lower use for the property. Chairman Kroeger said the concern is that the regulations change and other criteria can change in a year's time.

Commissioner Honomichl said he would support a one-year extension, but he is hesitant to go longer than a year as criteria could change in that time frame. Discussion between staff and Commissioners

Motion by Commissioner Honomichl to recommend extension of the preliminary plat to November 25th, 2010, for the De Soto Ridge Subdivision; second by Winslow.

Commissioner Hemphill and Engineer Brungardt discussed the condition on the preliminary plat concerning the raw water line referred to in Paragraph III.

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

Motion carried.

Mr. Coyle stated if there isn't a rule, he doesn't want the Planning Commission to go and create a rule. Chairman Kroeger said the intent is that the applicant can come back and ask for an extension at the end of the year's extension that was granted. Discussion between Commissioners and Mr. Coyle.

6. Old Business:

- A. Consideration of amendments to Article 2 Definitions and Article 10 Special Use Permits for "R-A" Rural-Agriculture District. Planner Bohnsack and Chairman Kroeger discussed that the terms and definitions matched up between the language and the tables. Engineer Brungardt said the list has been pared down. Commissioner Hemphill asked about the comments in "red". This is only in the staff report for reference, and the language in "red" will not be in the definitions. Commissioner Honomichl said this is a big improvement and he appreciates the revisions made by staff. Commissioner Hemphill asked about "bovine" and "ovine".

Commissioners said they like the revised definitions.

Planner Bohnsack discussed the special use permits as they pertain to feedlots and the livestock merchant wholesalers. Discussion by Commissioner Honomichl and Planner Bohnsack regarding the uses in the Article 10, Special Use Permits, and the requirements that may need to be reviewed or regulated for future consideration. Discussion ensued between Chairman Kroeger and Commissioner Hemphill regarding traffic, noise and other factors that are already adopted. Planner Bohnsack discussed the criteria that are reviewed in addition to the basic requirements for a special use permit. Commissioners stated the noted special uses are ready to go and do not require additional regulating.

Motion by Commissioner Honomichl to recommend approval to amend and incorporate the Zoning Regulations to Article 2 Definitions as detailed in Exhibit A, and included in the packet, and to approve and incorporate Appendix A as revised and shown in Exhibit C; second by Krudwig.

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

Motion carried.

- B. Discussion of proposed alternative energy regulations. Planner Bohnsack and Commissioners discussed the existing regulations for wind turbines and solar energy systems. Commissioner Honomichl said there are other cities around us that are looking at these types of regulations. Planner Bohnsack said she has reviewed regulations from area cities and counties. Commissioner Honomichl said the reality is there will be more of these types of alternative energy sources in future. He asked if the City wants to encourage or discourage these uses. Engineer Brungardt stated that the Council appeared to be encouraging these type systems.

Engineer Brungardt said there would be applications in future that will need more defined language than what the City's current regulations cover. A discussion took place between staff and Commissioners regarding the height and distance requirements and the noise from the turbines. Discussion continued among staff and Commissioners regarding the wind map for this area. Current maps depict wind levels at 50 meters. Small wind maps—generally 30 meters or below—are in the making.

Commissioner Hemphill asked about the language regarding "all systems shall be covered by liability insurance." Staff will confer with City Attorney Reavey on this.

Chairman Kroeger asked for discussion on the solar energy. Planner Bohnsack said much of the concern is the aesthetics of the solar panels and solar systems. Commissioners discussed Section 16, paragraph I regarding the ground-mounted solar collectors being tied to the zoning districts. Commissioner Winslow commented that the ground solar panels could be tied to an "R-A" or "R-O" zoning district. Discussion that solar panels should be used primarily for on-site service.

Commissioners discussed changing the language in Section 16. C regarding the National Electric Code to simply the adopted city building codes. Commissioner Honomichl discussed the safety and security items under Article 10, L (5) regarding fences and guy wires. Commissioners discussed the fencing regulations of towers in residential districts.

Commissioners agreed that the proposed regulations, with noted changes, should be advertised for public hearing in November.

7. New Business: (This item was moved forward in the meeting)

- A. Consideration of renewal request for De Soto Ridge Preliminary Plat.

8. Staff Advisory Reports:

Planner Bohnsack provided Commissioners an article in their packet for reading. She also provided some information on training opportunities. Planner Bohnsack discussed the calendar below and the business coming to the Commission in future.

9. Calendar:

- A. *November 5th* - City Council – Nothing scheduled
B. *November 19th* - City Council – Amendments for Definitions and Appendix A
C. *November 24th* - *Planning Commission – Tentative agenda items include:*
- Amendment - Energy conversion system regulations
 - Rezoning of county zoned parcels
 - SUP – Archery uses at Widow Big Knife Park
 - SUP – Wind Energy Conversion System

Chairman Kroeger asked if the staff has received any response from the Johnson County Appraiser regarding the change in taxes in the rezoning of the properties to the “R-A” district. Planner Bohnsack said she has sent a copy of the County’s response to the property owners in the zoning district. She will email the letter to the Commissioners.

Commissioner Winslow stated he will not be at the November meeting due to a scheduling conflict. Commissioner Hemphill said he will not be present in November.

Motion by Commissioner Honomichl to adjourn at 8:35 p.m.; second by Hemphill.

All Commissioners approved by “ayes”.

Motion carried.

Respectfully submitted:

Lana R. McPherson, MMC, City Clerk