

MINUTES

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

2. Roll Call:	Allenbrand	Present	Kroeger	Present
	Hemphill	Present	Krudwig	Absent
	Honomichl	Present	Vacant	
	Winslow	Present		

3. General Business:

A. Approve Planning Commission Agenda.

Motion by Commissioner Winslow to approve the Agenda; second by Honomichl.
 All Commissioners approved by "ayes".
 Motion carried.

B. Approve minutes of the August 24, 2010 Planning Commission meeting.

Motion by Commissioner Hemphill to approve the Minutes; second by Winslow.
 All Commissioners approved by "ayes".
 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 Call to Public was closed by Chairman Kroeger.

5. Public Hearing:

A. Public hearing to consider an amendment the regulations concerning garage sales. The intent is to take garage sales out of the 'temporary permit' process. No one property can hold more than two garage sales per year, not counting citywide garage sales. Auctions are being clarified and moved to Commercial Activities. Commissioners stated the language amendments are straight-forward. No further discussion.

Chairman Kroeger opened the Public Hearing; no one appeared and the Public Hearing was closed.

Discussion ensued between Commissioner Hemphill and Engineer Brungardt regarding the enforcement and oversight of the number of sales per year.

Motion by Commissioner Honomichl to recommend approval of text amendment to Article 2, Rules and Definitions and Article 5, Section 9 Temporary Use Permits of the Zoning Regulations concerning garage sales as presented in the Staff Report tonight, known as Exhibit A; second by Allenbrand.

Roll Call:	Allenbrand	Yes	Kroeger	Yes
	Hemphill	Yes	Krudwig	Absent
	Honomichl	Yes	Vacant	
	Winslow	Yes		

Motion carried.

- B. Public hearing to consider an amendment to an existing Special Use Permit for Penny's Concrete, Inc. Engineer Brungardt said this application is an amendment to the SUP for Penny's Sand, as Ordinances No. 1005 and 1071. The Special Use Permit covers quite a bit of area in the east bottoms along Gardner Road. The request is for a setback to the quarry area in the SUP that is east of Gardner Road. The Site Plans are contained in the staff report as Exhibit C and presented to the Commissioners. The City of Olathe wants a setback of 50 feet, and the City of Olathe is submitting the request as they are in negotiations with Penny's for an easement for a raw water main project that will connect their water treatment plant to the wells west of the Penny properties.

City Attorney Reavey was consulted regarding the setback and this request is being handled as a revision to the current Special Use Permit. Engineer Brungardt and staff reviewed the matters to be considered, along with the current Site Plan, and a Reclamation Plan. Commissioners reviewed the plans and staff's findings. The conclusions relating to the 'Matters to be Considered' and all 12 considerations were 'positive' findings. Staff recommends the change in the setback as requested by the applicant.

Commissioner Hemphill asked what the depth limit is and Engineer Brungardt said it would be about 50 to 60 feet. The 50 ft. setback will be defined by the berm that surrounds the pit. Discussion ensued between Commissioner Honomichl and Engineer Brungardt regarding the setback and the berm line around the pit. There is a 2 to 1 slope around the pit area. Engineer Brungardt and Commissioners discussed the setbacks for the property.

Commissioner Honomichl and Engineer Brungardt discussed that the Special Use Permit is 'permanent'. Commissioner Honomichl voiced a concern about the quarry regulations and he is under the impression that this area was "grandfathered" and not under the City's current quarry regulations. Engineer Brungardt stated this is a minor change to the geographical use of a setback and there is no expanded use of the area. Discussion among Commissioners and staff regarding new quarry permits and duration of special use permits. Engineer Brungardt said Penny's is compliant in their SUP and there haven't been any complaints or concerns received.

Discussion between Engineer Brungardt and Commissioner Honomichl regarding the note to be added to each plan as stated on page 5 of the Staff Report. Commissioners discussed the notes that are documented on the current plans and their relevance to the two new plans. Commissioner Honomichl would like to have a note box on the current Site (Reclamation) Plan since this plan will be filed of record.

Chairman Kroeger opened the Public Hearing for comment.

Ron Shaver, Deputy City Attorney, for the City of Olathe answered questions. Commissioner Hemphill asked if the City of Olathe is willing to give up the 350 ft. setback. Mr. Shaver stated it is the City of Olathe's intention to decommission the current wells in this area, and new collector wells will be located in another location to pull water from. Mr. Shaver discussed the KDHE regulations for drawing from the aquifer and the water quality regulations.

Michele Wirth, Utilities Engineer for the City of Olathe, and Mr. Shaver discussed the City of Olathe's intent to decommission the current wells and draw from the new wells. Ms. Wirth stated the vertical well #9 is hardly used and will be decommissioned in the near future. Vertical well #8 was decommissioned in 2006.

Commissioners discussed the City of Olathe's previous requirement for a 350 ft setback and now they are willing to drop it back to a 50 ft setback. The Olathe representatives stated it is because these wells will be decommissioned in future and will not be used, so there will not be a water quality issue.

Dave Penny, 643 Tennessee, Lawrence, Kansas, said he is the owner of the property. He said the original permits were through Johnson County and there was an analysis done by an engineering firm. Mr. Penny discussed the history of the City of Olathe's wells during the time he has held the sand dredging permits. Mr. Penny answered the Commissioners' questions regarding the Reclamation plan and the fishing lake and boat access in the future. Commissioners and Mr. Penny discussed the application.

Chairman Kroeger opened the Public Hearing; no one appeared and the Public Hearing was closed.

Commissioner Hemphill said it looks like 'a friend in need is a friend indeed.' He doesn't see any other concerns. Chairman Kroeger said he still has a concern about the 350 ft setback being changed. Discussion ensued with Engineer Brungardt.

Motion by Commissioner Honomichl to recommend that the requested amendment to the setback along the joint property line between the Penny properties and the Olathe properties east of Gardner Road be reduced from 350 feet to 50 feet; and the remaining conditions and aspects of this permit shall remain in force; and that this recommendation is based on the drawings and information presented in the Staff Report with the following revision: That the note indicated on page 5 of 10 of the Staff Report to be added to each sheet of the drawings prepared by Kaw Valley and submitted tonight, and have the last sentence revised to read "all other aspects of the sand plant operations and reclamations plans depicted on earlier drawings shall remain in effect' and that this recommendation for amendment is based on the fact that the existing SUP existed prior to the current quarry regulations and continues to exist in perpetuity; second by Winslow.

Roll Call:	Allenbrand	Yes	Kroeger	Yes
	Hemphill	Yes	Krudwig	Absent
	Honomichl	Yes	Vacant	
	Winslow	Yes		

Motion carried.

6. Old Business:

- A. Consideration of mandatory review of required conditions for Blacktop Paving SUP. Engineer Brungardt stated all the required documents have been executed by the applicant and have been filed with Johnson County.

- B. Discussion of Comprehensive Plan yearly review. Engineer Brungardt said there is an annual statutory requirement to review the Plan. This year the Commission has reviewed the Future Land Use Goals and will continue with review of the Economic Development and Quality of Life Goals. Planner Bohnsack has prepared a Staff Review 2010 with comments from the Commissioners prior discussions. Commissioners discussed what objectives they want to cover in the Plan. They talked about whether the City is going to keep the 'rural' atmosphere or go for an 'urban' plan.

Discussion ensued about the transportation access of K-10 and the Kansas push for bio-science companies. Commissioner Allenbrand said she recently returned from Fort Collins, Colorado where the City has held its people together by the simplicity of the ability to get around because of the public transportation systems and the sidewalks and parks for people to enjoy. Commissioner Hemphill said Riverfest Park was the best thing De Soto has done in years, maybe ever. Discussion.

1. Discussion of Goals, Objectives and Strategies Review.

Commissioner Honomichl said he has no new goals to add, nor any goals to take away. Commissioner Hemphill asked what Objection 9B really meant. Discussion ensued among Commissioners. Chairman Kroeger asked for comments under ED Goal 9. Commissioners requested Staff to provide changes that have been made since 2004. Updates will be done on the Sewer Accessibility map by Staff.

Goal 10: Reflect the Enterprise Zone and tax abatement policy within the Comp Plan. Discussion on reducing individual taxes by increasing the tax base.

Goal 11: Discussion on the property around the waste water treatment plant that is currently designated as agricultural. Staff will review land use designations in the west bottoms. There is currently only one pocket of light industrial on the map.

Goal 12: Staff has maintained a good working relationship with other jurisdictions. Discussion ensued on having joint staff meetings periodically with surrounding jurisdictions.

Goal 13: Staff is encouraged to become active and participate in association conferences on a local, regional and national level.

Goal 14: Provide high quality public services. Staff will expand on the goals and incorporate specifics about code enforcement, parks, and senior citizen services.

Goal 15: Comments that the gravel parking lot behind McDonald's is growing larger and it is one of the Viewshed and gateway areas to the City. Develop and implement a corridor plan for the 83rd Street and Lexington Avenue corridor—the timeline needs to be extended or should it be taken off? Council will decide.

R-H Residential Historic Downtown District –no 'pattern book' guidelines.

Goal 16: Appropriately enforce City Codes. The City does not do this except on a complaint basis. Commissioner Allenbrand said people don't want to live next to someone who lets their property run down because it affects the surrounding properties and eventually the entire neighborhood. Discussion on covenants and

deed restrictions being addressed. Maybe 16B was flawed from the beginning and residential proposals need to be backed by some type of marketing survey to ensure if that type of development is what is needed.

Goal 17: as is

Goal 18: Include a strategy to hold regular meetings with USD 232 officials.

- C. Discussion of proposed amendments to the regulations concerning improvement of open space tracts, accessory uses, grading permits and retaining wall permits. (Tabled)
- D. Discussion of Procedures Manual review and process for PD Development Plans (Tabled)

7. New Business: N/A

8. Staff Advisory Reports

- A. Rezoning of property on Edgerton Road (Vanlerberg) in Johnson County
- B. APA Audio Conference List
- C. De-annexation of golf course property in Leavenworth County

9. Calendar:

- A. October 7, 2010 City Council tentative Planning Agenda items include:
- B. October 21, 2010 City Council tentative Planning Agenda items include:
 - 1. Garage Sales Text Amendment
 - 2. Penny's Concrete SUP Amendment
- C. October 26, 2010 Planning Commission tentative agenda items include: Various amendments to the regulations
- D. Upcoming Business:

Motion by Commissioner Winslow to adjourn at 10:45 p.m.; second by Honomichl.

All Commissioners approved by "ayes".

Motion carried.

Respectfully submitted:

Lana R. McPherson, MMC, City Clerk