

**CITY OF DE SOTO
PLANNING COMMISSION**

City Hall, 32905 W. 84th Street
February 24, 2009 – 7:00 P.M.

MINUTES

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

2. Roll Call:	Crumbaker	Present	Kroeger	Present
	Hemphill	Present	Krudwig	Absent
	Honomichl	Present	Templin	Present
	Walker	Present		

3. **General Business:**

A. Approve Planning Commission Agenda.

Motion by Commissioner Honomichl to approve the Agenda; second by Walker

All Commissioners approved by “ayes”.

Motion carried.

B. Approve minutes of the December 30, 2008, Planning Commission meeting.
(The January 27, 2009 meeting could not be opened due to lack of a quorum.)

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

All Commissioners approved by “ayes”. Commissioner Honomichl abstained due to being absent 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.

No one appeared and Call to Public was closed.

5. **Public Hearing: None**

6. **Old Business:**

A. Discussion of the RUR Rural rezoning project. City Planner, Linda Bohnsack, stated these discussions and public meetings started last fall. The proposed rezoning rural workshops came about regarding parcels within the City that still retain their county zoning. She further discussed the public process and the property owners that have been notified to attend the workshops regarding the draft rezoning map and the proposed City zoning district designation for the parcels

involved in the rezoning process. Staff will bring a formal request for a recommendation to the Council at the March 24th, 2009, Planning Commission meeting. If recommended by the Planning Commission, the issues will be considered by the City Council on April 16th, 2009.

(The record reflects Commissioner Krudwig joined the meeting at 7:12 p.m.)

Planner Bohnsack provided documents for the public to review and explained the process that has taken place thus far, as Exhibits A through F as attached to the staff report dated February 24, 2009. She provided draft copies of the rezoning map for review.

Engineer Brungardt stated there have been several decisions made throughout this process. He explained the history of the proposed zoning districts that are already defined under the City's current districts. He further commented on the discussion that exchanged between some property owners on the zoning district those people wanted for their property. Discussion ensued between Chairman Kroeger and Engineer Brungardt regarding the zoning designations requested by the property owners. Engineer Brungardt discussed the letter submitted by Mr. Bob Zindler.

Discussion ensued among the Commissioners regarding pre-existing use issues and the non-conforming uses. Planner Bohnsack stated the County has also just put new classifications in at the beginning of this year. The County stated taxes are based on the classification of the property's land use description.

Commissioner Crumbaker said he would like staff to go through the non-conforming uses as he feels it is important that the City clarify why a property owner might lose the County's existing use under the former zoning classification. Engineer Brungardt discussed the non-conforming use as it applies to the property. Once the property is zoned a certain use, the use becomes a non-conforming use in the new zoning change if it has already been established prior to these changes. Engineer Brungardt provided examples of a non-conforming use for those present.

Mr. Darrel Wilson, 9059 Overhill Circle, De Soto, spoke up from the audience and stated he feels this is for the City's convenience. He wants things left alone and less government control. He feels there is another layer of government for people to have to negotiate through.

Engineer Brungardt, Chairman Kroeger, and Commissioner Templin stated the intent of the Planning Commission is to encourage people to participate in the new rezoning classifications. Commissioner Templin explained to Mr. Wilson the reasons for the rezoning classifications and the best process for these properties.

Chairman Kroeger stated that this process is actually trying to remove that other layer of government process in this rezoning classification. Mr. Wilson left the meeting.

A discussion ensued between Commissioner Honomichl and Engineer Brungardt regarding the Future Land Use Plan and "O-I" zoning classification. They also discussed the sub-station at Waverly and K-10 and the zoning classification.

Commissioner Crumbaker commented that he has a planning problem with this premature rezoning, especially in this economic environment. He feels that the problem with rezoning a property when there is no specific plan for that property on the table, it ties the hands for future use of the property as future plans can

change. Discussion ensued among Commissioners regarding the zoning requested by the property owner and the Future Land Use Plan.

Stephanie Powell stated her concern is that taxes might go up because it is rezoned. Planner Bohnsack stated this zoning has nothing to do with taxes. The County is going through a reclassification of property that unfortunately coincides with the City's rezoning.

Commissioners and staff continued discussing the County's reclassification of the property uses for properties in the County. The City's rezoning intent is to assist the property owners, not make it more burdensome. Ms. Powell's daughter stated they are very disappointed that the City Council chose not to make an agricultural zoning district for these properties. She feels the City Council was short-sighted in not allowing people to fully use the property to its historical extent.

Commissioner Crumbaker said he serves on the farmers' market board and attended a conference last week. He discussed the truth in doing small truck patch farming within a city limits that provided a great service and benefit to the people in that community. Commissioner Templin stated that the City Council had a tough decision to make, and he feels they made a wise decision in not allowing rural uses in the city.

Commissioner Crumbaker said he feels this is not a wise decision and he feels this is limiting the historical nature of property uses. He feels the City's forced annexation was only granted by the County on the basis that those folks could continue in the uses they had while in the County zoning.

Darrel Zimmerman said he feels it is assumed that all agricultural properties within the City will go away in a few years and there won't be any agriculture.

Leslie Janssen said she owns a piano key property with commercial on either side and she feels that is just making her property more marketable in the future.

Continued discussion between Commissioners and staff regarding the land uses.

Ken Kohler, 12805 Russell Street, Overland Park, Kansas, (Terra Vista Land, LLC) stated he feels it is easier to come down in use rather than go up in use. Discussion ensued between Mr. Kohler and Commissioners Templin and Kroeger regarding the "Golden Criteria" for a rezoning request. Mr. Kohler said he feels the process has been constructive. A discussion continued among Commissioners and Mr. Kohler.

Commissioner Walker discussed the responses from the property owners and the commercial property owners with staff. Discussion ensued between staff and Commissioners regarding a property on 95th Street being in non-compliance.

Chairman Kroeger polled Commissioners for further comments on the draft map. Staff stated they will send letters to the property owners and also provide notice in the "*De Soto Explorer*".

Comments were exchanged between Commissioners Hemphill and Crumbaker regarding the comments in Mr. Zindler's letter to the Commissioners.

- B. Discussion of wind energy system regulations. Planner Bohnsack provided comments regarding the considerations for defining regulations on wind energy.

She stated that in this part of Kansas, De Soto is basically a “flat-line” area. She said in most regulations the topmost height of a propeller tip determines the distance the turbine should be away from the adjoining property. Discussion among the Commissioners on there not being much wind in the area for a property owner to spend \$80,000 up for a wind turbine.

Motion by Commissioner Krudwig that City Council provide direction on what their fundamental goals are for the City of De Soto’s direction for wind turbines and solar energy; second by Crumbaker.

Roll Call:	Crumbaker	Yes	Kroeger	Yes
	Hemphill	Yes	Krudwig	Yes
	Honomichl	Yes	Templin	No
	Walker	Yes		

Motion carried.

- C. Discussion of solar energy system regulations. Planner Bohnsack said the City does not currently have solar energy system regulations. She did provide examples from other cities and Johnson County. Discussion ensued among the Commissioners and staff regarding solar energy. Darrel Zimmerman commented that he attended a Council meeting where wind turbines were discussed and the potential danger the turbines can cause.

7. New Business:

- A. Discussion of Comprehensive Plan Review topics:

1. Gateway (Viewshed) Criteria
2. General Future Land Use Map Update
3. Comprehensive Plan & Regulations Comparison
4. Plan Implementation
5. “Creating Quality Places”
6. Open Space Preservation
7. Stream Buffers and Floodplain Protection
8. Other Topics: Adoption of plan updates – comments from Kevin Honomichl

A discussion was led by Chairman Kroeger regarding the Comprehensive Plan. The last discussion of the Plan was undertaken in August, 2007, and resulted in several items being completed and amended since that time. The Commissioners requested staff put together the items that have been formally approved by ordinance for incorporation into the updated Comprehensive Plan. Staff will bring back a proposed update for consideration at the next meeting.

Planner Bohnsack stated the gateway and Viewshed criteria is going to be a several month project. Commissioners reviewed the topics and determined Items A, C and F are the priorities to be worked together. Discussion between Engineer Brungardt and Commissioners regarding the topics and the history of each topic.

8. Staff Advisory Reports:

Planner Bohnsack provided staff memos to Commissioners discussing the following items for the benefit of Commissioners.

- Legislative Action (see Memo)

- Signage Design Committee – status of wayfinding signage system and logo
- Planning Commissioner's Journal

9. Calendar:

- A. *March 5th* - City Council - Tentative Planning agenda items include:
- B. *March 19th* - City Council - Tentative Planning agenda items include:
- C. *March 24th* - *Planning Commission – Tentative agenda items include:*
 - Public meeting for RUR Rural rezoning, Wind and Solar Energy System Regs
 - Continued discussion on Comprehensive Plan update topics
- D. *Upcoming Business*

Motion by Commissioner Honomichl to adjourn at 9:10 p.m.; second by Crumbaker.

All Commissioners approved by “ayes”.

Motion carried.

Respectfully submitted:

Lana R. McPherson, MMC, City Clerk