

MINUTES

1. The meeting was called to order by Chairman Richard Hemphill with Roll Call.

2. Roll Call:	Allenbrand	Present	McPherson	Present
	Garrett	Present	Shultz	Present
	Hemphill	Present	Zwahlen	Absent
	Lane	Present		

3. General Business:

A. Approve Planning Commission Agenda.

Motion by Commissioner McPherson to approve the Agenda; second by Garrett.

All Commissioners approved by "ayes".

Motion carried.

B. Approve Minutes of the Planning Commission meeting held on November 28th, 2017.

Motion by Commissioner McPherson to approve the Minutes; second by Shultz.

All Commissioners approved by "ayes".

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.

No one appeared.

5. Public Hearing:

A. Consider Re-zoning at 95th and Waverly Road. Administrator Brungardt stated an application has been submitted to rezone 36.3 acres of land south of 95th Street and west of Waverly Road. In January, 2018, the City Council annexed the property into the City. The property owner is requesting a rezoning to City Zoning Classification. Administrator Brungardt explained the zoning change process and said letters to adjoining property owners were sent out and also public notice was posted in the Legal Record on February 6th, 2018, notifying the public of this rezoning request. The zoning

requested is from Rural District – RUR to Residential Suburban – RO as outlined in the City’s Zoning Regulations. Administrator Brungardt commented on the differences between the two zoning regulations and what the requirements are for the zoning classifications between existing zoning and the proposed rezoning. He further commented on the “Golden” criteria established to quantify the decision for the rezoning.

A discussion ensued between Chairman Hemphill and Administrator Brungardt concerning the County’s RUR zoning criteria as compared to the City’s RO zoning. Administrator Brungardt pointed out the different zoning districts of the surrounding properties of the tract being considered for rezoning.

Staff has reviewed those zoning compatibility factors as set forth in the Staff Report dated February 27, 2018. Staff has found all criteria to be “Positive” and in favor of granting the rezoning request. Therefore, Staff recommends approval of the rezoning request and makes a recommendation to the City Council for their final decision on the rezoning request.

Chairman Hemphill opened the Public Hearing for comment:

The applicant, Bill Vielhauer, stated his father purchased the property in 1998 and hoped to build on the property at some time. His father has passed on, and now he and his sisters want to finish their father’s wish to develop the property. Discussion.

Roger VanWagoner, 9715 Waverly, said he and his wife live across the street from this property. He asked if the curb and gutter standard would apply to Waverly Road. Discussion ensued between Administrator Brungardt and Mr. VanWagoner that Waverly Road remains a city street and is maintained by the City. The City limit line ends at 99th Street. Mr. Van Wagoner asked if a traffic study has been done. Mr. VanWagoner said he thinks a higher standard of acreage for the development. Discussion.

John Moon, 9888 Pin Oak Circle, commented on the size of the proposed lots and he asks the developer to consider less density in his residential lot size, maybe two or more acres minimum. He also asked about the drainage that might come from that property as the proposed property sits a little higher and the water runs heavily in this area. Administrator Brungardt commented on the drainage and said the City does look at storm water management on all new development. Mr. Moon commented there are only two ways out of Cherished Oaks subdivision. Sometimes it can become crowded.

Rick and Nancy Branat, 33135 102nd Street, said they live about ½ mile from the proposed development. He asked about storm water drainage. He asked if there were any plans around the power lines in the area. Administrator Brungardt said these lines belong to Westar and there is an easement for those lines.

Chairman Hemphill closed the public hearing.

A discussion ensued among the Commissioners concerning the property and criteria. Chairman Hemphill also commented on the broadband infrastructure that is currently being discussed. Administrator Brungardt stated this applicant has signed a development agreement with the City that he will provide conduit for future broadband infrastructure for this particular property. The City currently does not currently have broadband infrastructure in the Zoning Regulations.

Motion by Commissioner Lane to make a recommendation of approval to the City Council for rezoning the 36.3 acres located at 95th and Waverly Road to R-O Rural Suburban; second by McPherson.

Roll Call:	Allenbrand	Yes	McPherson	Yes
	Garrett	Yes	Shultz	Yes
	Hemphill	Yes	Zwahlen	Absent
	Lane	Yes		

Motion carried.

6. Old Business:

- A. Update on Comprehensive plan process. Administrator Brungardt said Planning Director Weisenburger is working on this and will have this item on the Agendas for next several months. Administrator Brungardt said there are three phases of this document process. By the end of the year, there will be an updated Comprehensive Plan. Discussion ensued between Chairman Hemphill and Administrator Brungardt on the updates of several plans for the City.

7. New Business:

- A. Discuss Text Amendment to add highspeed access to De Soto's subdivision regulations. Administrator Brungardt and Chairman Hemphill commented on the AT&T tower that was constructed near the VFW. Administrator Brungardt said this tower is for cell service, not broadband internet service. Administrator Brungardt commented on the lack of broadband internet access in areas south of K-10. Not having this service is a detriment to the economic development of the City. He explained the concerns the City has and gave background information on this concern. This is a city-wide issue that needs a city-wide solution. The committee has been actively engaged on several fronts to encourage broadband investment in our community. The focus has narrowed to an RFQ that will go out in the next several months to all providers. There is an economic impact also to the broadband provider.

The topic for discussion is to include a high speed broadband service access to the De Soto Subdivision Regulations as an appropriate urban service as a minimum infrastructure requirement for any new subdivision. Staff is suggesting language to be included as Item 8 in the Standards Section of the Subdivision Regulations and would like Planning Commission input before holding a public hearing. Discussion ensued among Commissioners and Administrator Brungardt concerning broadband infrastructure requirements. The Broadband Committee will continue working on this.

Commissioner Shultz said he will not be at the March meeting.

Motion by Commissioner Garrett to adjourn at 7:12 p.m.; second by McPherson.

All Commissioners approved by "ayes".

Motion carried.

Respectfully submitted:

Lana R. McPherson, MMC, City Clerk