

## MINUTES

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

2. Roll Call:	Manson	Absent	McPherson	Present
	Garrett	Present	Shultz	Present
	Hemphill	Present	Fisher	Present
	Lane	Present		

**3. General Business:**

A. Approve Planning Commission Agenda.

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

All Commissioners approved by “ayes.”

Motion carried.

B. Approve Minutes of the Planning Commission meeting held on April 23rd, 2019.

Motion by Commissioner Lane 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. Chairman Hemphill said he was contacted by email regarding the rezoning, which he forwarded to Planning Director Weisenburger.

**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.

Travis Tjaden said his property backs up to the Gulley property which is up for rezoning tonight. Chairman Hemphill said Mr. Tjaden can speak later during the public hearing.

**5. Public Hearing:** Rezoning 30495 W. 95<sup>th</sup> Street.

Planning Director Brad Weisenburger stated Mark Gulley is the property owner and is requesting a rezoning from AG to R-O Residential Suburban. The requested change in zoning will allow him to submit a lot split and build a single-family residence on the split tract. The notification letters were sent by Staff to property owners within the 200-ft buffer on May 6, 2019. The Public Hearing notice was printed in The Legal Record on May 7, 2019. A sign was posted on the property notifying the public about this hearing. As of this date, several nearby residents have called Staff to obtain additional information. Director Weisenburger reviewed the zoning criteria set out by state statute that must be considered for rezoning. He presented the Staff findings on the criteria as outlined in the Staff Report. He stated the results are 'positive' and the requested rezoning is consistent with the Future Land Use Plan. Staff recommends approval of the request.

Commissioner McPherson asked how the 19.4 acres will be split. Planning Director Weisenburger said the split hasn't yet been done and brought to the City. Chairman Hemphill asked about the density of the lots. Discussion that the City requires a one-acre minimum of unencumbered space for a septic system. Continued discussion on what could possibly be built on the acreage.

Chairman Hemphill opened the public hearing for comment.

Travis Tjaden, 9748 Post Oak, De Soto, said he received the letter and was afraid it was being rezoned to a higher density. People moved there because they wanted more space. After speaking to Mr. Gulley, he has no opposition to the rezoning.

Chairman Hemphill closed the public hearing after no further comments were heard.

Motion by Commissioner McPherson to recommend the City Council approve the requested rezoning as stated based on the positive findings; second by Garrett.

Roll Call:	Manson	Absent	McPherson	Yes
	Garrett	Yes	Shultz	Yes
	Hemphill	Yes	Fisher	Yes
	Lane	Yes		

Motion carried.

**6. Old Business:** None.

**7. New Business:**

- A. Final Plat Carriage Houses #8. Planner Weisenburger stated the Final Development Plan for Carriage Houses was approved by the Planning Commission on April 25<sup>th</sup>. This next step for the developer is to gain approval of a final plat for the building contained in Phase 8. Once the structures are built, there will be a re-plat of each building defining the location of the interior walls. Final plats are considered by the Planning Commission and if approved, will be forwarded to the City Council for approval.

Motion by Commissioner Lane to recommend approval to the City Council of the Final Plat Carriage Houses #8; second by Shultz.

Roll Call:	Manson	Absent	McPherson	Yes
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Garrett	Yes	Shultz	Yes
Hemphill	Yes	Fisher	Yes
Lane	Yes		

Motion carried

**NOTE:** A tornado warning sounded at 6:18 p.m. and the Planning Commissioners recessed into the basement of City Hall until 7:25 p.m. At that time, the Planning Commissioners returned to the Chamber.

- B. Final Plat – HIKE Properties – Commerce Park. Planner Weisenburger stated Staff has conducted a technical review of the regulations applying to the Final Plat document in accordance with the Subdivision Regulations. The Planning Commission approved the Preliminary Plat on April 23<sup>rd</sup>, 2019. The access agreements with Jake’s Fireworks and Harps have been approved. All previous recommendations have been corrected and approved by Staff. The Final Plat is in compliance with the approved Preliminary Plat. Staff recommends approval of the Final Plat for HIKE 10 Commerce Park.

Chairman Hemphill commented that it was difficult to understand all the intricacies of the agreement. He said the Commissioners have to rely on Staff to ensure everything technical has been reviewed by Staff. Commissioner Garrett said he has confidence in the City Staff. Commissioners agreed.

Motion by Commissioner Shultz to approve the Final Plat for HIKE 10 Commerce Park; second by Lane.

Roll Call:	Manson	Absent	McPherson	Yes
	Garrett	Yes	Shultz	Yes
	Hemphill	Yes	Fisher	Yes
	Lane	Yes		

Motion carried.

- C. Site Plan – Burger King. Planner Weisenburger stated Staff received and has reviewed the site plan application and checklist submitted for the proposed Burger King restaurant on Commerce Drive. The building is 2,977 Sq. Ft. Staff has found the site plan submittal meets the requirements found in Article 11 of the Zoning Regulations and is consistent with the intent of the City of De Soto site plan requirements. Staff recommends approval of the site plan as presented. City Code gives the Planning Commission the latitude to make judgments on the general nature and acceptability of a proposed site plan for the purposes of preserving the public health, safety, and welfare of De Soto.

Commissioner McPherson asked about the proposed sign. Discussion ensued between Administrator Brungardt and Commissioners regarding sign regulations and lot restrictions. Discussion continued among Commissioners and Staff concerning the type of sign requested.

Roger Frans, Ft. Worth, Texas, stated on behalf of the purchaser and developer for Burger King he is here to hopefully gain approval for the site plan for Burger King. He and Commissioners discussed the proposed sign depicted on the site plan. Chairman Hemphill complimented the parking space area.

Motion by Commissioner McPherson to approve the Site Plan for Burger King excluding the off-site pylon sign as shown on the easement; second by Lane.

Roll Call:	Manson	Absent	McPherson	Yes
	Garrett	Yes	Shultz	Yes
	Hemphill	Yes	Fisher	Yes
	Lane	Yes		

Motion carried.

- D. Comprehensive Plan update. Planning Director Weisenburger provided Commissioners with a schedule of proposed meeting dates for the plan review and public hearing for the City Council to adopt the plan. He asked Commissioners for their comments. Chairman Hemphill commented on page 5. Commissioner Lane said she would like to have citizens be able to know there are some programs available to them through being notified by City Staff or possibly put on the website. Discussion ensued regarding the statements to be considered to either leave in or take out. Commissioner Lane commented on page 18, objective 9. Commissioners provided Staff their comments for consideration.

Commissioner Fisher commented on the TIF districts that are coming in and getting tax breaks when the existing businesses in town are paying high taxes. Administrator Brungardt explained how the TIF district works. Discussion that TIF districts go before the City Council and public hearings are held. The Planning Commission isn't involved in TIF district approval.

Motion by Commissioner Garrett to adjourn at 8:25 p.m.; second by Fisher.

All Commissioners approved by "ayes."

Motion carried.

Respectfully submitted:

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Lana R. McPherson, MMC, City Clerk