

MINUTES

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

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

3. General Business:

A. Approve Planning Commission Agenda.

Motion by Commissioner Shultz to approve the Agenda; second by Lane.

All Commissioners approved by “ayes.”

Motion carried.

B. Approve Minutes of the Planning Commission meeting held on July 24th, 2018.

Motion by Commissioner Garrett to approve the Minutes; second by Lane.

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.

5. Public Hearing:

A. None

6. Old Business:

- A. Comprehensive Plan Update. Mr. Todd Stryler commented that the Comprehensive Plan is a document the Planning Commissioners have much input with this plan. There was a citizen survey posted on-line and 212 people responded. He commented on the responses and the public engagement comments. Discussion ensued between Chairman Hemphill and Mr. Stryler concerning the City’s current Comprehensive Plan. Mr. Stryler also reviewed the 2017 Strategic Plan and the citizen engagement comments and discussions that were held at that time. Discussion ensued concerning the ‘small town’ feel, yet the comments made that the city needs to grow and develop.

Commissioners discussed the comments in the draft and will provide Staff with any other comments to bring for discussion on the chapters. Commissioners commented on the lack of current code enforcement on buildings and property maintenance. Commissioner Lane said she is excited to be working on a new Comprehensive Plan. Chairman Hemphill said he is happy about the overall process and is looking to see the plan come together. Commissioner Fisher said this process is new to him and he is for growth in the community. How do we clean up De Soto? Commissioner Manson said this is new to him, and he is learning the role and the process. Commissioner Garrett said updating the zoning codes will be helpful. He stated Mike and Brad have done a great job on trying to get improvements.

7. New Business:

- A. Re-plat phase 6 Carriage Houses. The Final Development Plan for the current expansion phase was approved by the Planning Commission in April, 2015. The owner has now constructed the sixth building on the property. Building 6 square footage area has been established and needs to now submit a replat to the Planning Commission and ultimately to the City Council for approval. The final re-plat defines separate ownership tracts for each of the storage units constructed within the building. There are 18 separate units varying in size from 450 square feet to almost 1,100 square feet. Staff has performed a review and reports this is in conformance with the approved Final Development Plan, the Zoning and Subdivison Regulations and general surveying practices.

Chairman Hemphill and Planner Weisenburger commented on the Development. City Administrator Brungardt explained the Final Development Plan that was approved several years ago beginning with Phase I and now this is the Phase II development.

Motion by Commissioner Garrett to recommend approval to the City Council of the Re-Plat for Phase 6 of Carriage Houses of Johnson County; second by Shultz.

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

Motion carried.

- B. Final Plat phase 7 Carriage House. The Final Development Plan for the current expansion phase was approved by the Planning Commission in April, 2015. The developer is asking approval for the building contained in Phase 7. Staff has performed a review and reports this is in conformance with the approved Final Development Plan, the Zoning and Subdivision Regulations and general surveying practices and recommends approval for the Carriage Houses #7 Final Plat.

Motion by Commissioner McPherson to recommend approval to the City Council of the Final Plat for Phase 7 of Carriage Houses of Johnson County; second by Garrett.

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

Motion carried.

- C. Planning Commissioner roles and expectations. Planner Weisenburger provided Commissioners with several documents concerning the responsibilities and duties of being a Planning Commissioner. The Planning Commissioner is an appointed position, there is a significant amount of time involved in making an informed decision as far as land development, zoning regulations, and developing infrastructure for a city. Planner Weisenburger provided a "Top Ten List" of items a Planning Commissioner is charged with making decisions on. The Planning Commission may hear a request for a variance from time to time. There are statutory criteria that must be followed. The Board of Zoning Appeals has the authority in making decisions on whether a variance will be granted.

Planner Weisenburger commented on the role of the planning staff. Chairman Hemphill commented that although the Planning Commission makes a recommendation, the Governing Body has the final say and can vote to override the Planning Commission's recommendation. Site visits to subject properties are important to get a real feel for the specific area potentially affected by the project in discussion. Decisions must be made on the basis of fact and in the light of day. Avoiding ex-parte communications is critical for the decision-making standards in the by-laws and zoning ordinance procedures.

City Attorney Patrick Reavey addressed the Planning Commissioners regarding the City's Code of Ethics. Attorney Reavey said he has been with the City since 2000. He provided some additional information to the Commissioners. Attorney Reavey is the City's appointed officer to enforce the Code of Ethics. The Code of Ethics in respect to the Planning Commissioner's role is a general principle of Kansas law that if a member of a public body has 'prejudged' a matter, then the member should not vote on the matter. Planning Commissioners should protect their decision by sharing any ex-parte communications with the entire Planning Commission to avoid any questions. Attorney Reavey provided some example cases in Kansas that have had planning commission members involved with a conflict of interest, or having a financial interest in.

Chairman Hemphill and Attorney Reavey commented on the City having had good commissioners in the past. Administrator Brungardt pointed out the website for the City and directed Commissioners to the City Code, the Zoning Regulations and the

Subdivision Regulations. The City Code is searchable on the website. Administrator Brungardt commented on some of the decisions the Commissioners will make.

8. Calendar:

Commissioner McPherson stated he will not be here for the September 25th, 2018, Planning Commission meeting.

Motion by Commissioner Garrett to adjourn at 8:27 p.m.; second by Shultz.

All Commissioners approved by “ayes.”

Motion carried.

Respectfully submitted:

Lana R. McPherson, MMC, City Clerk