

MINUTES

1. The meeting was called to Order with Roll Call by Vice-Chairman Bob Garrett.

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

City Clerk Lana McPherson administered the oath of office to newly appointed Commissioner Roger Templin. Commissioners welcomed him to the board.

3. General Business:

A. Approve Planning Commission Agenda.

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

All Commissioners approved by “ayes.”

Motion carried.

B. Approve Minutes of the Planning Commission meeting held on September 24th, 2019.

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

Commissioners approved by “ayes” with Commissioner Templin abstaining.

Motion carried.

C. Disclosure of conflicts of interest. N/A

D. Disclosure of outside communications regarding Commission business. N/A

E. Election of Officers – Chair and Vice Chair.

Motion by Commissioner McPherson to elect Vice-Chair Bob Garrett as Chair; second by Lane.

All Commissioners approved by “ayes.”

Motion carried.

Motion by Commissioner McPherson to elect Commissioner Lane as Vice-Chair; second by Manson.

All Commissioners approved by "ayes."

Motion carried.

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 Rezoning at SW Corner at 95th and Kill Creek Road. Planning Director Brad Weisenburger stated this property is owned by Gerome Buhrman and he is requesting a rezoning from RUR to RO Residential Suburban. The change in zoning will allow Mr. Buhrman to submit a lot split and build a single-family residence on the split tract of land. This is a one-time lot split for this property. Planning Director Weisenburger commented on the Staff Report dated October 22, 2019 and gave a review of the General Zoning Requirements. He then commented on the Zoning Compatibility Factors as stated on pages 4 through 7 of the Staff Report. The majority of the Zoning Compatibility Factors reviewed were a finding of "Positive" in favor of granting the rezoning request, with only two of those Factors having a finding of "Neutral" in favor of granting the rezoning request. Staff recommends approval of granting the rezoning request.

Commissioner Templin asked how large the tract is. Planning Director Weisenburger said the entire two tracts are approximately six acres. Discussion ensued on what the reason is for a lot split. Commissioner McPherson asked about the driveway on the back part of the property.

Mr. Buhrman, the applicant, said he would like to get the rezoning completed, and then have the property laid out in two rectangle pieces of property with front yards.

Commissioner Templin asked about the "R-O" zoning and the "RUR" zoning designations. Commissioner Templin asked about the Comprehensive Plan that was recently adopted. Discussion ensued between Planning Director Weisenburger and Commissioner Templin.

Chairman Garrett opened the Public Hearing for comments. No one appeared and the Public Hearing was closed.

Motion by Commissioner Manson to recommend approval of the rezoning request to the City Council; second by Lane.

Roll Call:	Manson	Yes	McPherson	Yes
	Garrett	Yes	Shultz	Yes
	Templin	Yes	Fisher	Absent

Lane Yes

Motion carried.

6. Old Business: None

7. New Business:

- A. Discuss Fowl (chickens) Text Amendment. Planning Director Weisenburger said a citizen has requested a change to the code to allow chickens within their back yard as they live on less than one acre of ground. He provided Commissioners with a copy of the City Code, as well as regulations from Eudora and Lenexa. He stated that most of the surrounding cities do allow chickens in certain areas that are less than one acre. A discussion ensued whether or not to amend the City Code.

Chairman Garrett said he remembers when this discussion was brought up in the beginning. Since that time, there have been complaints about roosters and chickens running loose in the downtown area and roaming around people's yards and flower beds.

Commissioner Templin said he remembers when this was adopted. He said it is the pens and structures that are going up in rear yards that cause concern as the language isn't clear on how the chickens are to be contained. Commissioner Templin said there should be a permit process in place to ensure the homeowner is going to maintain the chickens and the coop. Discussion that Staff could look at a permit process. Commissioner Lane said there needs to be a coop that is aesthetically pleasing to the adjoining neighbors.

Chairman Garrett asked Staff to tighten up and clarify the language and look at a permit process. Staff will bring this back to the next Commission meeting for discussion.

- B. Discuss Code Enforcement Policy. Planning Director Weisenburger said code enforcement is an on-going discussion item. In September 2017, the City Council adopted a policy and established a mechanism where City Staff would establish a list of five to ten properties representing the most egregious and impactful code violations to pursue on a proactive basis. A volunteer group was established to help citizens with lesser means to physically or financially unable to resolve the code violations. Discussion ensued between Planning Director Weisenburger and Commissioners on the need for a full-time code enforcement officer. If an ordinance is on the books, then it needs to be enforced. Discussion on why there are some properties on the list that are still pending after several months. Planning Director Weisenburger explained that the City's Code Enforcement Officer also does the Capital Improvements Projects for the City. More discussion that the City needs to hire a full-time Code Enforcement Officer.

Commissioner Lane said there were comments of the lack of code enforcement heard repeatedly during the citizen engagement meetings. There needs to be more code enforcement and pro-active follow up to ensure property is maintained. If people aren't made to keep their property maintained, then that becomes a neighborhood eyesore. Then the "ripple" effect begins and the neighborhood declines. Several cases have been complained about and nothing has been done to correct the problem. The public needs to know there is a new way of looking at things and the City is going to be more pro-active. Commissioner Manson said there should be a way to make a complaint on the City's website that citizens can use to generate a code enforcement complaint.

Commissioners said there really needs to be a full-time codes enforcement officer to enforce the current ordinances and maintain records and follow up.

Commissioner Lane said she has been contacted about how to get the business owners downtown to clean up and maintain the property in the downtown area. She said she has forwarded that information on to the mayor and city administrator. She said outdoor storage areas in the downtown area need to be covered or screened from public view.

Commissioners requested Planning Director Weisenburger pass along the comments of their discussion concerning code enforcement and hiring a full-time code enforcement officer. If an ordinance is on the books, then it needs to be enforced.

- C. Discuss Sidewalk Text Amendment. Planning Director Weisenburger said the City Code has provisions for public improvements that are constructed as a part of development, more typically in subdivisions. Staff has proposed a text amendment which codifies the current standard practices that are now employed within the Community Development Department. A lengthy discussion ensued between Commissioners and Planning Director Weisenburger concerning the amount of bond required. Commissioner Templin asked if there is a different zoning category that would allow for no sidewalks in the large lot neighborhoods similar to Oak Country. Planning Director Weisenburger said not at this time. It appears the feeling of the Council is that all new subdivisions will have sidewalks within them.

Planning Director Weisenburger said he will advertise this text amendment for a public hearing to be held at the next Commission meeting.

Chairman Garrett asked if the packets could be delivered earlier than Friday afternoon prior to a meeting on Tuesday. Commissioners said they would like to have the packets earlier than Friday, especially when there is a lot of information to read. Commissioners said they would appreciate the packet on the Wednesday before the meeting as weekends are busy times and they don't have time to fully study the packet prior to a Tuesday evening meeting.

No further business was brought forth.

Motion by Commissioner Manson to adjourn at 7:25 p.m.; second by Shultz.

All Commissioners approved by "ayes."

Motion carried.

Respectfully submitted:

Lana R. McPherson, MMC, City Clerk