

**CITY OF DE SOTO  
PLANNING COMMISSION**

City Hall, 32905 W. 84<sup>th</sup> Street  
September 23, 2008 – 7:00 P.M.

**MINUTES**

1. **The meeting was called to order by Chairman Mike Kroeger.**

2. <b>Roll Call:</b>	Walker	Present	Hemphill	Present
	Honomichl	Present	Kroeger	Present
	Krudwig	Present	Crumbaker	Present
	Templin	Absent		

3. **General Business:**

**A. Approve Planning Commission agenda.** Chairman Kroeger requested that Item 7.B. be moved forward to just before Old Business Item 6.A.

Motion by Commissioner Walker, to approve the Agenda, and to move Item 7.B. to be just prior to Item 6.A.; second by Hemphill.

All Commissioners approved by “ayes”.

Motion carried.

**B. Approve minutes of the August 26, 2008 Commission meeting.**

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

All Commissioners approved by “ayes”. Commissioner Hemphill abstained.

Motion carried.

**C. Disclosure of conflicts of interest.** None stated.

**D. Disclosure of outside communications regarding Commission business.** None stated.

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:**

No business for Public Hearing

## 6. Old Business:

- A. Re-consider the Preliminary Plat of De Soto Ridge subdivision proposed for property located on the north side of 83<sup>rd</sup> Street and just east of Ravenswood lane, said property containing approximately 20 acres to be divided into 15 lots.

Planner Bohnsack reviewed the staff report for the Commission. The preliminary plat was originally addressed at the July meeting along with an application for rezoning the property. The rezoning application for the property was approved by the Council on August 7, 2008; however, the Plat was tabled to allow the applicant to consult with Water One on how to provide sufficient water pressure to the site for both daily use by proposed residences as well as for fire hydrants. Soils testing for proposed septic systems also needed to be completed. The plat provided to the Commission partly addresses these and other minor items that need correction.

The minor changes to the plat included street naming according to County standards, curb inlets at 83<sup>rd</sup> & Ashland Streets, information concerning a drainage swale along lots 11-15, and information concerning the Water One line on the north side of 83<sup>rd</sup> Street (Note #4). Note #5 on the plat addressed Engineer Brungardt's concerns about water provisions sufficiently for the preliminary plat stage. Before further steps are taken, Note #5 must be addressed. Further detailed plans and commitments can be submitted with the engineering drawings and Final Plat.

Soil testing for septic systems was delayed repeatedly due to heavy rain in the area but was finally completed on September 18, 2008. Steve Chick, Building Official stated that overall, the site to the depth of 4' does not have rock. It is comprised of silt loam and silty clay conditions which would require special systems. He noted the locations of the test holes generally along joint lot lines in the rear of lots where the dispersal fields are generally located. For Lot #3 there is concern about filling the pond. If this is done it precludes using the area for the dispersal for the wastewater system. A drainage curtain would likely be needed. Better soils exist on the east side of the subdivision, however all of the lots would require a mound or specially designed wastewater system. He says several options are available and that he does not see a problem.

Commissioner Hemphill asked for clarification on the wastewater system and the dispersal system where there is fill. Mr. Chick stated that the compacted soils absorb more than a fill soil. That a drip dispersal system can be put in a fill area – which are the only type systems allowed in a fill area. When the soils have been there for hundreds of years undisturbed, the soil and clay does not have any structure and wastewater cannot move through the soil. In a fill situation, the soil will not take the amount of effluent that you want it to absorb, so it cannot be moved like in compacted soil. Actual soil analysis tests will be performed at the time the building permit is issued to determine the best system to use. To install the system, licensed contractors are required. Each lot meets the 1 acre requirement for a septic system.

Planner Bohnsack noted that approval of the Preliminary Plat is only good for one year. A final plat would be required within 12 months and an extension would be needed if they could not meet the deadline.

Discussion on the length of the cul-de-sacs followed. Commissioner Kroeger stated that this has been discussed several times on previous projects. There is no timeline of

when the connecting road would be developed. Minutes from the last meeting stated that Engineer Brungardt felt the cul-de-sac length was appropriate, however Commissioner Kroeger had concerns. Planner Bohnsack stated that the City of Lenexa commented on the road into the development, and that they would appreciate seeing if there was any plan for extension of the road. There are not future plans for the development of the property to the east. Lenexa's Comprehensive Plan calls for low-density residential development, which is similar to what the City of De Soto's Comprehensive Plan calls for. The maximum cul-de-sac length is 500'. Commissioner Krudwig stated that in order to meet requirements for the fire department, there was an added loop, and recommended that Lot #3 or #13-14 as a temporary turnaround until future development occurs. This would meet the requirement by the City. Commissioner Honomichl stated that the maximum cul-de-sac length would be realized in the first phase of development. Commissioner Kroeger stated that he did not believe the developer is meeting the criteria. Discussion followed on whether this type of development was needed and if it comprised the city's plans. Commissioner Crumbaker stated that Water One would not run a water line for a hydrant without a loop. Planner Bohnsack pointed out that this is a rural density subdivision and not an urban density. Commissioner Kroeger disagrees with Engineer Brungardt and feels that the developer is not meeting requirements of the Planning Commission relating to the 1,000' requirement. It would be a maximum of 1,000' per street, or two 500' connections. This is well past what the Commission had intended. Commissioner Honomichl stated that the requirements are that no more than one cul-de-sac shall extend from another. The summation shall not exceed 1,000'. No single cul-de-sac shall exceed 500'. If this were treated as one cul-de-sac, then 1,000' is the maximum length. The other half would need to be at the same level of development and that the road was constructed continuously, then the proposal would be acceptable. If one half is not ready, then the project as a whole is not ready. Planner Bohnsack pointed out that the zoning in Lenexa is for 1-acre minimum lots—similar to De Soto's. Consensus was that the entire project should be platted. Commissioner Krudwig does not want to put the fire department in a position that compromises access. Planner Bohnsack sent the plan to the Fire District for input and review. Discussion followed on whether or not Note #5 addresses concerns with regards to fire flow requirements. Loops are generally preferred for waterlines so that it does not result in stale water that results from dead end lines. No fire hydrants are shown other than the hydrant at the cul-de-sac. Requirements are that they be spaced 500' apart. Page 2 of 4, Exhibit B, in the staff report from Harold Phelps indicates that the developer would agree to a stipulation on the preliminary plat that fire flow protection of 1000 gmp at a minimum of 20 psi would be provided as a condition of the final plat/building permit. Water One stated that they would extend a 12-inch main along 83<sup>rd</sup> Street all the way to the subdivision entrance, which is approximately 3,300 feet. The connection to the main entering the subdivision would be an 8-inch line.

Commissioner Kroeger asked for community input. David Bedford, adjacent property owner, asked about how far the water line needed to be extended. Commissioner Kroeger stated it is 3,300 feet, and would tie into a 12-inch main. Concern about stagnant water was addressed. Mr. Bedford asked for clarification about the soil testing. The preliminary testing consisted of a trench that was dug to look at the soil horizons. KDHE looks at soils at the 3' level. Mr. Chick states that a soil test is performed at the 4' level. Mr. Chick reiterated that none of the lots were good for chamber systems, and all would need to be some sort of a shallow mound or sand filter type system.

Discussion followed from the Planning Commission. Commissioner Walker stated that

they couldn't table the item because of cul-de-sac questions because they are within the 60-day requirement. Conditional approval or denial can be done. More than 5% modification, consisting of cul-de-sac and fire flow protection, would halt the plan. Planner Bohnsack point out that the 60 day requirement applies to Final plats.

Commissioner Krudwig does not approve of all of the roads and access points, especially at the top of a hill because it would also congest traffic. Commissioner Crumbaker stated that right-of-way roads can be added in the future without a dead end.

In lieu of the fact that the developer is not on hand to answer the application, the Planning Commissioner directed staff to relay to the developer that there are questions that need to be addressed relating to cul-de-sac issues. Consensus that septic systems and minimum water flows were addressed, and can be clarified in the final plat.

Motion by Commissioner Walker, seconded by Commissioner Crumbaker, to deny the preliminary plat for De Soto Ridge subdivision based on the fact that the developer was not on hand to answer cul-de-sac questions. The motion was amended by Commissioner Walker and seconded by Commissioner Crumbaker based on the fact that the preliminary plat does not meet regulations pertaining to cul-de-sac length as presented. Further discussion on potential development to the east is necessary to determine whether or not it would meet the cul-de-sac regulations.

Roll Call:	Walker	Yes	Hemphill	Yes
	Honomichl	Yes	Kroeger	Yes
	Krudwig	Yes	Crumbaker	Yes
	Templin	Absent		

Motion carried. Commissioner Honomichl called for a five minute break at 9:00 p.m. Commissioner Kroeger called the meeting to order at 9:05 p.m.

**7. New Business:**

**A. Discussion concerning the creation of a Rural zoning district for the City.**

Planner Bohnsack reported that the council advised that the current policy of requiring rezoning of county zoned tracts, as a prerequisite for a building permit is not wise. Staff has discussed the situation and possible options with the Planning Commission and City Council. She then explained the Council's recommendation to proceed with creation of a Rural-zoning district for the City and their thoughts concerning the rezoning. Several tracts are much smaller than the minimum tract sized requirements and there are several located in areas that the R-0 or a more restrictive zoning would be more suitable. Approximately 50 of the tracts are less than two acres, which needs a restrictive zoning district than a Rural zone. Non-conforming regulations will protect the existing legal uses, and the uses can be identified for documentation and for future development. Updates would be needed in at least 12 of the zoning Articles. Also, there are county rural uses that should be discussed. Annexation regulations should be discussed and deadlines set for when properties would need to be rezoned. Commissioner Kroeger thought that the last annexation would be violated as we forced them to rezone, and rather by the agreement it should have been judged based on the county classifications. Planner Bohnsack stated that the city can direct rezoning. The city acknowledges that

the owner has a right to modify his property under the county zoning classification without requiring a rezoning. Commissioner Crumbaker stated that the city can initiate zoning changes, but they cannot take away their rights under the county zoning. Zoning changes cannot be made through annexing the property, but rather due process must be followed. With that said, the city can initiate the process through the Planning Commission.

Staff recommends that a time be set aside at the next planning commission meeting for a public hearing, with a written invitation issued to all stakeholders concerning the proposed revision of the zoning map. The Planning Commission felt that the Council was directing them to create a compatible RUR zoning. At this time, only 38 properties are appropriately sized for RUR zoning. Planner Bohnsack stated that there are several tracts that will not qualify based on size and restrictions. Commissioner Kroeger asked if we should stick with what we are doing, or is it worth a change in regulations. The issue is whether or not the city can require a rezoning as a condition of a building permit. Commissioner Honomichl stated that the Council has opened the door that it may be that some properties will want a rezoning based on use and location, which is a free rezoning. He felt that it was valid and worthwhile if it supports the comprehensive plan. He suggested a workshop process similar to a land use update or open house that staff conducts with notices and input from the public. Staff should ask the question--What would the residents rezone their property to if they were to voluntarily offer a rezoning? This would provide feedback on future land use opportunities. It may tidy a lot of the zoning and land use issues. Commissioner Honomichl felt that a public workshop administered by staff is necessary prior to the public hearing.

Commissioner Crumbaker would like to have facts and feels that not everyone is aware of what owners in the area enjoys or does not enjoy as part of RUR zoning. He stated that building codes are separate from zoning regulations and only the zoning regulations were adopted. The building codes did not get adopted. He feels that there is ability for the city to say they are the building code authority and that the owners still have a right to build according to county regulations but still have the city building codes apply. Consensus as to what county RUR means to the residents would be helpful. It is perceived that building permits trigger the rezoning. Commissioner Krudwig felt that it would be appropriate to have similar zoning to the county for when properties are annexed. Commissioner Kroeger stated that even with a similar zoning district, the owner still has county zoning and cannot be automatically changed to city zoning. He felt that with the city initiating the rezoning, the worst case is that they stay the same but offers a more favorable zoning for them. Under county zoning, you cannot divide property. It requires a rezoning action and platting. With the city, they could apply for a lot split. Commissioner Crumbaker wants to know what the public would like to see and that RUR designations are very restrictive. Staff was directed to provide the Planning Commission with a copy of the county's RUR regulations. Commissioner Kroeger asked if the city even needed an RUR designation. Communication would be key and it was felt that R-0 zoning would be extremely attractive for property owners. Commissioner Krudwig would like to see a comparison of the county and city regulations to avoid potential mismatches. Planner Bohnsack pointed that agricultural uses are different in nature, and these uses are protected by state statute. Even as an R-0 zoning, the landowners still have rights, they just cannot change use. Commissioner Crumbaker stated that as long as you do not take away their rights, it would allow them to obtain a building permit without having to rezone their property, as they still would be held to city code standards. Commissioner Honomichl directed staff to prepare an outline of public

involvement and plan for a program. It should be outside of a Planning Commission meeting so that it does not infringe on the land owners rights while seeking input on what they would like to see their property designated. Commissioner Krudwig directed staff to have a table with handouts on all zones so that the public would be able to review what designations are available.

Commissioner Honomichl recommended a process for rezoning previously designated county zoning districts to either compatible city use or creating a compatible RUR zoning but that process be explored through a public engagement process prior to considering a text amendment or rezoning action on part of the city. A public engagement process is endorsed to educate the public about current zoning districts and seek input on what annexed landowners would like to have with the intent to bring all parcels into some city-administered zoning. Staff would go through a preliminary review of the 155 properties and determine which zones would be recommended by the city to generate discussion.

Consensus of the Planning Commission was to direct staff to send out letters for an open house, to create exhibits and seek input from land owners on what they would like to see their property zoned similar to what was done for the 95<sup>th</sup> Street Corridor Plan. It was felt that two workshops would be necessary to give property owners an opportunity to attend, and consist of staff and the public with invitations sent to the Planning Commission and City Council. Commissioner Kroeger asked if a time frame for rezoning would be necessary for newly annexed properties. It was suggested that the city attorney provide an opinion and direction on this matter. Planner Bohnsack sought input on how quickly this initiative should be conducted as it would take time to send letters to 150+ landowners. Discussion that could be conducted late October or early November.

**This item moved before Item 6A.**

- B. Receive a presentation from Johnson County on the Kill Creek CARNP corridor study.

Commissioner Honomichl stated that he attended the City Council meeting last week and that the Council requested that the Planning Commission be provided with an overview of the proposed Kill Creek alignment. Mack Andrew, County Public Works Director is here tonight. He headed the team that made the presentation. Brian Pietig, Assistant County Engineer and Geoffrey Vohs, Design Engineer, are also present. The purpose was to inform the city how the County arrived at their plan and how it relates to the city's comprehensive plan. Keep in mind that this is a long-term proposition.

Mr. Andrew stated traffic studies in the future would be very important. Mr. Pietig reviewed several county slides for Johnson County development from 1960 forward. Once development arrives, it is considerably more expensive and disrupts more people when highways need to be built. MARC's population projection shows about a 2% population growth per year. The 21<sup>st</sup> Century Corridor was a 40-mile circumferential loop that died; however it demonstrated that the CARNP plan was necessary to define existing arterial roads in three different categories. In the northwest part of the area, there were many shaded areas which meant that more discussion was necessary at a later date. This resulted in the NW Corridor Study, which determined that a north/south road was needed in the Kill Creek area in addition to the Sunflower area with an east/west alignment on 111<sup>th</sup> St. Future studies will determine the additional north/south alignment through Sunflower. Two roads are needed.

Brian Pietig stressed the importance of early planning for future major transportation routes—before development occurs. He offered a series of slides showing the development/growth of Johnson County since 1960 and stated that growth is still steady even with the economic downturn. Preliminary studies indicated the need for two N/S routes in the NW part of the county—one along Kill Creek Road and one through the Sunflower property. The connecting E/W corridor was established at 111<sup>th</sup> Street. Corridors in the denser areas of the county are often every mile. Only putting one at Sunflower would result in a 9-mile gap between N/S corridors in the county—too far.

Geoffrey Vohs provided an update on the preliminary engineering for the NW Corridor Study. The county discussed possible alignments in 1999 and spent until July 2002 evaluating those and then the board approved a recommended alignment. Environmental assessments were conducted to ensure the best alignment for the road. In 2006, KDOT and the Federal Highway system gave them clearance to conduct the needed studies in the area that produced a 400' wide corridor area for the road. In July, 2007, Trans Systems provided preliminary engineering and the centerline was established in addition to future right-of-way requirements. Mr. Vohs reviewed the Parkway typical section, which consists of four lanes with a median, a trail on one side of the road, and ½ mile spacing of access points. Twenty or thirty thousand vehicles would be projected to travel the corridor daily within 20 years. 68 access points were identified with the alignment along Kill Creek. This was reduced to 14 with the new alignment. Relocations consist of six residences for the entire realignment corridor, 15 if it stays on Kill Creek. Access management is important. When Mr. Vohs was asked why the swag is depicted in the plan south of K-10 he stated that it is due to access management issues with KDOT as well as home relocations in several areas. KDOT maintains access control near their highways and likes to have 600' before the first intersection. With the existing roadway and intersection, there is only 1,000', which does not allow KDOT enough room. With the swag and realignment of 95<sup>th</sup> Street there is 1,300' between the intersection and K-10, which provides more flexibility with KDOT for a possible entrance to adjoining tracts. Development potential with the existing roadwork provides four nice lots. The new roadway, if KDOT abandons existing right-of-way, provides five lots for development, and increases views by 50%. It is not necessarily an impediment but enhances development with unique features.

The county sees this as a great opportunity to work with the city, and recommends the following: a memorandum of understanding between the two entities, the establishment of access management policies, the adoption of a preliminary engineering plan as well as rights-of-way preservation. Funds are available to protect the right-of-way for the county; however this is a hurdle that needs to be overcome as the city does not have this type of fund. Plan is to go back to the city council to develop the memorandum of understanding.

Commissioner Hemphill likes the slide that offers the proposed road networking with five development lots. The plan calls for a traffic signal upon complete build out. Commissioner Honomichl states that with the plan, the road maintains the same traffic level that it sees now. Commissioner Kroeger stated that he agrees with Hemphill that it actually decreases traffic. The Commission agreed that Lot 4 would benefit from Kill Creek being maintained as is. Commissioner Kroeger asked about moving the swag further west. Mr. Vohs stated that it impacts more homes along 95<sup>th</sup> Street. CARNP plans were to protect the environment, save homes and enhance access management,

which is how the county came to the current alignment recommendations.

Commissioner Honomichl stated that the 95<sup>th</sup> Street Plan was long-range planning for the next twenty years. The corner of Kill Creek and 95<sup>th</sup> Street becomes an issue as it is possible the city could receive a development application at any time. The proposed entrance near K-10 may not allow for an in/out direction. K-10 is a huge infrastructure development, with future plans to have a four-lane road. Honomichl stated that Dean Palos stated that perhaps no change to occur on Kill Creek, but depending upon how the site plan was developed it is possible that it (that area for future ROW) could be held in place as parking and then in the future it could be diverted to a road assuming a vacation would occur with the abandonment of the existing right-of-way. Another scenario was that it did not need to be a 20-30 year plan but rather a 5-year plan. Commissioner Kroger stated that a transportation study was planned by the city in 2009.

Mr. Andrew stated that a memorandum of understanding must be established to secure future plans for development and traffic and to limit the number of curb cuts, which would decrease traffic issues. Mr. Vohs stated that he met with owners along Kill Creek and the county has purchased right-of-way, and others want to sit and when the time comes, the county would purchase the property. A win-win situation is where the city can develop the property south of K-10 now while preserving land for the realignment in the future. Mayor Anderson had requested that the developer in the southwest quadrant attend the Planning Commission meeting to voice his opinion. Mr. Andrew reiterated that the county was not attempting to stop development for the city.

Long-range transportation plans are needed in the western portion of the county. Mr. Vohs stated that the plan provides a nice circulation path throughout the whole area which would aid in moving traffic through the area. Commissioner Kroeger noted that Mr. Vohs stated that this plan would be unique, and wanted to know if there is a plan similar for comparison purposes. Mr. Vohs stated that he envisioned a Zona Rosa-type development, with less big box development, which in turn provides more character for the community. The curved alignment creates a change in view, which is more attractive from a visitor's perspective rather than a 119<sup>th</sup> Street-type view. It really comes down to what type of development the city plans for in the future. Protection of right-of-way is vital for future success in development. The south side of K-10 is where the opportunity lies.

Discussion followed with regarding extension of infrastructure underneath K-10 Highway. Commissioner Crumbaker stated that he likes the proposed plan, which opens up more developable ground. The alignment would be incorporated into the future land use plan. Commissioner Honomichl stated this would be similar as to how the Commission used the K-10 Corridor Study. If a development abuts K-10 then there is consideration of their study. This would be similar in nature. Consensus was that while it might not be the best plan it was worthy of future discussion. The Commission felt that the presentation answered configuration questions, explained the definition of a long-term north/south corridor, and supported exploration between the city council and the county.

## **8. Staff Advisory Reports**

- Council Action. Both the general revisions to Article 7 Signs and the SUP for the Communications tower were approved as recommended by the PC.
- KS/MO/KC APA Conference Schedule. Planner Bohnsack will forward a list of the

- sessions to the Commission as soon as it is available.
- MARC Audio Conference Schedule. The list of sessions was included in the Commissioner's packet. If the Commission has difficulty in registering online or would like to attend, please contact Planner Bohnsack. Planning APA ID numbers are on the mailing label of the Commission's magazine, or she can obtain it for you. Or you could sing for the presentation in the BRR Architecture offices-see handout.
- Water Workshop/Tours. In connection with the water workshops, the Council will take a tour of the De Soto Water Plant on October 16 and the Olathe Water Plant on November 6. Both tours will carpool from City Hall at 5:00 p.m. Please contact Pat Guilfoyle if you have an interest in taking the tour.
- Property Purchased by the City of De Soto: Planner Bohnsack reported that the city has purchased property at 83<sup>rd</sup> Street and Kill Creek Road. Commissioner Honomichl commended the council for taking action to acquire the property.

**9. Calendar:**

- A. *October 2<sup>nd</sup> – City Council – tentative Planning agenda items include: None*
- B. *October 16<sup>th</sup> – City Council – Tentative Planning agenda items include: None*
- C. *October 28<sup>th</sup> – Planning Commission Agenda*  
*There is currently no items on the October 28<sup>th</sup> agenda.*
- D. *Upcoming Business*
  - Design Guidelines for the “UDO” Uptown De Soto Overlay District
  - Gateway and Viewshed updates to the Comprehensive Plan
  - Create overlay regulations for gateway and viewshed areas.

Motion by Commissioner Honomichl to adjourn at 10:00 p.m.; second by Commissioner Crumbaker.

All Commissioners approved by “ayes”.

Respectfully submitted:

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Linda Bohnsack, City Planner