

## MINUTES

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1. The special meeting was called to order by Chairman Michael Kroeger.

2. Roll Call:	Crumbaker	Absent	Kroeger	Present
	Hemphill	Absent	Krudwig	Present
	Honomichl	Present	Vacant	
	Winslow	Absent		

### 3. General Business:

A. Approve Special Planning Commission Agenda.

Motion by Commissioner Honomichl to approve; second by Winslow.

All Commissioners approved by "ayes".

Motion carried.

B. Disclosure of conflicts of interest. N/A

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

### 4. Designated Business:

A. Consideration of Final Development Plan for Phase 1 of Carriage Hills of Johnson County, a garage condominium development. Planner Bohnsack discussed the items that were discussed at the regular Planning Commission meeting. She reviewed eight (8) items that were points of discussion to be resolved prior to the approval of the Final Development Plan. These items should be revised prior to submittal of the Final Plat to the City Council.

(Note: Commissioner Hemphill arrived at the meeting at 7:08 p.m.)

Discussion ensued between Chairman Kroeger and Planner Bohnsack regarding the waterline extension being corrected on the plan prior to the Occupancy Permit. Engineer Brungardt had no further comments on the items being discussed.

Commissioner Krudwig said he isn't sure what direction the applicant wants to go concerning the sidewalk or the executing a sidewalk waiver. The applicant stated they are willing to sign a sidewalk waiver and the applicant will agree not to protest a future benefit district for street or sidewalk improvements.

The applicant and staff discussed Note #2 on the Final Development Plan. Discussion between Commissioners and City Staff regarding the issue. 2<sup>nd</sup> sentence in Note #2 to

be removed. Commission Honomichl requested to discuss each of the eight items on the Planner's list.

Commissioner Winslow discussed his review of the landscaping plan. He stated the applicant provided a really great sketch, but it isn't shown in detail on the landscaping plan. He said he doesn't have any objection to the sketch.

Commissioner Honomichl asked how the potential landscape areas for the future can be shown, and how that landscaping material will comply with the landscaping table of requirements. Discussion between Commissioner Honomichl and Planner Bohnsack regarding the lists as shown on page 3 of 6 in the staff report. There will be a new Final Development Plan that will show an updated count for landscaping requirements for each Phase of the development.

Chairman Kroeger and Staff discussed the green spaces and landscaping. The applicant said they went to a "P-D" so there would be curb appeal with green spaces and saving trees that are already on the property. The applicant further said they want to build as the market demands and they may adjust the buildings in each phase. Chairman Kroeger said it is hard to determine the landscape plan. Engineer Brungardt cautioned Commissioners about redoing the preliminary plan. Commissioner Honomichl said he would encourage the applicant to really develop the first building phase and meet the landscaping goal in this first phase. Chairman Krudwig said this will be a really nice development for this particular area.

Commissioners discussed the stone columns that were shown in the wrought iron fence on the preliminary development plan, but not shown on the current plan. The applicant doesn't want to use these "stamped" stone columns at this stage because of the cost. Commissioner Winslow said that he would compromise that the stone columns be set at the entrance gate, and not require the remaining stone columns.

Chairman Kroeger and staff discussed the access easement documents to be filed. The applicant's surveyor, Roger Dill, said the Final Plat will be filed, and then the easement documents will be filed. Discussion ensued between Commissioners and Engineer Brungardt regarding the fire access easement on the southwest corner.

Chairman Kroeger and Commissioners discussed Item 5 regarding the notes on the Site Plan and the Landscape Plan are sufficient for the 'rock landscaped area.'

Chairman Kroeger and Commissioners discussed the portable toilet for the first phase of the development. Engineer Brungardt discussed the Code requirement. He said at this point, the City Building Official is comfortable with a portable toilet for the first phase. Commissioners and the applicant continued discussing the lot lines.

Chairman Kroeger and Commissioners discussed the waiver for the sidewalk. The applicant said it seems silly to him to put in a "sidewalk to nowhere" at this point in time. The applicant discussed the potential for the garage owners association being a part of the "no protest" benefit district in future. This benefit district will impact any future garage owners for street and sidewalk improvements. Discussion.

Commissioners discussed Item 8 regarding the completion of the waterline extension prior to the occupancy of the site. They agreed that the Ordinance should be revised to allow completion of the line by occupancy.

Discussion ensued by Commissioner Hemphill and the applicant regarding the parking radius and the amount of pavement shown in the first phase.

Motion by Commissioner Honomichl to approve the Final Development Plan, Carriage Houses of Johnson County, as represented by a drawing titled Phase I Site Plan dated June 29, 2010, and Phase I Landscape Plan dated June 29, 2010, with the following additional comments:

That the second sentence of General Note 2 of the Phase I Site Plan be deleted; that the landscaping as presented on Phase I Landscape Plan is sufficient for Phase I of development; that concrete pillars with a stone appearance be used at each end of the entry gate; that the developer provide a filed "Statement of Preliminary Development Plan" prior to issuance of a building permit; that the developer provide access easement documents to benefit the City of De Soto and the Garage Owners' Association to be filed prior to Occupancy Permit; that a portable toilet is deemed sufficient for Phase I of this development at the location indicated on the Phase I Site Plan; that we recommend approval of a sidewalk waiver be granted by the City Council; and that we recommend that City Council approve a revised Ordinance for Completion of the Waterline Extension to be completed prior to Occupancy Permit; second by Krudwig.

Roll Call:	Crumbaker	Absent	Kroeger	Yes
	Hemphill	Yes	Krudwig	Yes
	Honomichl	Yes	Vacant	
	Winslow	Yes		

Motion carried.

- B. Consideration of Final Plat for Phase I of Carriage Houses of Johnson County, a garage condominium development. Planner Bohnsack stated the developer is trying to do a combined Condominium Plat and a Final Plat at the same time. With the Condominium Plat there is a Declaration that must be filed at the same time. She has not had a specific statement from the applicant on what they are planning to file. The Title Report was received this week and there are five utility easements that may affect the property. Discussion ensued between the staff and the applicant's surveyor that the lots should be called "units" and the "block" labeled lot. She would prefer that the terms "units" and "lots" be used on the plat. The applicant said he will work with the County and how they want to address this as the County has never dealt with a condominium garage unit. Discussion continued between Commissioners, staff and the applicants on how the County wants to "label" the buildings and units.

Commissioner Honomichl, the applicant's surveyor and Planner Bohnsack discussed the five easements that were found on the Title Report. Mr. Dill will provide staff a confirmation that the easements do not affect this plat area. Commissioner Krudwig commented on some typos in the signature blocks of the plan. Discussion ensued between Chairman Kroeger and Planner Bohnsack regarding the Covenants for this development.

Commissioner Hemphill asked the applicant what their concerns are regarding this development and the covenants. The applicant stated they have hired an excellent attorney in Kansas City that has worked with these types of condominium projects to lead them through this process. One of their concerns is ensuring that all chemicals and oils are kept secure. The applicant stated the 'legalese' should be completed and will be ready by the Council meeting on the 15<sup>th</sup> (of July). Commissioner Honomichl said without having this before them, this document could cut either way on the covenants. This could be a concern for the Commissioners as they do not have everything that is necessary to make a recommendation for approval. Discussion

ensued between Commissioners and City Staff regarding the covenant submission with the plat. The Declarations have to be filed with the Final Plat as this is a condominium plat.

Commissioner Honomichl said the uses and how those uses impact the neighboring units should be clearly identified in the Covenants. Discussion continued between the applicant, Commissioners and staff regarding the Covenants and the Declaration. The City's zoning plan will back up the preliminary plan declarations that were filed.

Motion by Commissioner Honomichl to approve the Final Plat of the Carriage Houses of Johnson County as sealed on June 30<sup>th</sup>, 2010, with the following additional comments: that the section corner monument annotation be shown on the face of the plat; that "mayor" be correctly spelled and Mr. Offill's name be capitalized; second by Krudwig.

Discussion ensued regarding the terms of "lots" and "units" being referred to as defined by state statute. Discussion ensued between Commissioner Honomichl and the applicants.

Commissioner Honomichl amended his motion to include a revision to the plat in the area where the structure is shown that Block 1 be re-labeled as 'Lot 1' and each of the individual lots as labeled be given the term "unit" with the same number shown on the plat, and that if the Johnson County surveyor shall provide other direction on the terms of "lot", "block" or "unit" on this Final Plat, those revisions can be made without resubmission to the Planning Commission; second by Krudwig.

Roll Call:	Crumbaker	Absent	Kroeger	Yes
	Hemphill	Yes	Krudwig	Yes
	Honomichl	Yes	Vacant	
	Winslow	Yes		

Motion carried.

**5. Calendar:**

- A. July 15, 2010 City Council tentative Planning Agenda items include:
  - 1. Carriage Houses of Johnson County Final Plat
  - 2. TA for Site Plan Review Regulations
- B. July 27, 2010 Planning Commission tentative agenda items include:
  - 1. Comprehensive Plan Review
  - 2. Blacktop Paving Progress Review
  - 3. Procedures Manuel Review
  - 4. TUP Requirements for Garage Sales
- C. Upcoming Business:
  - 1. Proposed SUP for Millcreek Rifle Club

Motion by Commissioner Honomichl to adjourn at 8:35 p.m.; second by Winslow.

All Commissioners approved by "ayes".

Motion carried.

Respectfully submitted:

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Lana R. McPherson, MMC, City Clerk