

**CITY OF DE SOTO
PLANNING COMMISSION**

City Hall, 32905 W. 84th Street
January 25, 2005 – 7:00 P.M.

MINUTES

1. The meeting was called to order at 7:00 p.m. by Chairman Honomichl.

2. Roll Call:	Hemphill	Present	Kroeger	Present
	Friday	Present	Templin	Present
	Honomichl	Present	Moberly	Present

3. General Business:

A. Approve Planning Commission agenda.

Motion by Commissioner Moberly to approve the agenda; second by Friday.
All approved by "ayes".

B. Approve minutes from the Planning Commission meeting of December 28, 2004.

Motion by Commissioner Kroeger to approve the minutes as written; second by Hemphill.
Commissioners approved by "ayes". Commissioner Moberly abstained as he was absent from the last meeting.

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.

None appeared.

5. Public Hearing:

A. Public hearing to consider a rezoning from "P-D" Planned Development district as approved with a previous site plan to the "P-D" district submitted in conjunction with a new site plan for the Valley Spring Homes property, generally located south of 83rd Street and ¼ mile east of Kill Creek Road. WITHDRAWN BY APPLICANT.

B. Public hearing to consider amendment(s) to Section 6.05 of Article 6 of the Subdivision Regulations pertaining to requiring lighting interior to developments.

Motion by Commissioner Templin to table in light of the report that says that the item was incorrectly published; second by Moberly.

Commissioner Hemphill asked about the restriction on lighting mounted to buildings. Planning

Coordinator Kim Gordanier replied that the restriction applied only to the illumination required for pedestrian pathways, although this could be made clearer.

All approved by “ayes”.

- C. Public hearing to consider amendment(s) to Section 3 of Article 5 of the Zoning Regulations pertaining to size and setback limitations of accessory uses.

City Engineer Mike Brungardt stated that the amendment was intended to allow for larger accessory structures on larger lots, regardless of their zoning. Accessory structures are allowed in any zoning district, with the stipulation that they cannot exceed a certain amount of gross floor area. Accessory structures are limited to 1,200-square feet in the ‘R-0’ district and 900-feet in all other districts, plus 250-square feet per acre up to 2,400-feet. In addition, the yard setbacks will be increased for larger accessory structures.

Commissioner Friday asked if children’s playhouses or doghouses are included in the limit of two accessory structures per lot. Brungardt responded that if they are under 200 square feet they are allowed. After some discussion by the Commission on this issue, Templin suggested that there be only one storage unit allowed per lot. Templin requested several other minor revisions to the language.

Motion by Commissioner Templin to recommend approval with the revisions discussed; second by Moberly.

Chairman Honomichl opened the public hearing.

Audience member Dave Vigness, 8930 Lexington Ave., asked what the Commission had decided on the number of sheds. Commissioner Templin replied that there could be a total of four accessory buildings, the sum of which cannot exceed the square footage limitations.

Honomichl closed the public hearing.

Commissioner Templin rescinded his previous motion and motioned to recommend approval with the revisions discussed; second by Hemphill.

Roll Call:	Friday	Yes	Templin	Yes
	Hemphill	Yes	Honomichl	Yes
	Kroeger	Yes	Moberly	Yes

Motion carried.

6. Old Business:

- A. Presentation by Shafer, Kline, and Warren on the Sewer Master Plan final draft report.

City Engineer Mike Brungardt noted that there will not be a presentation from Shafer, Kline, and Warren this evening. Instead he would give an overview of the study results. The Commission had yet to be presented with the financial and rate structure analysis. The Council decided to pursue the Northwest plant location. The engineering selection process has recommended that the Aero-Mod treatment process be used. It was the second most costly to build and operate, but the expandability, reduced level of maintenance, and reliability of the plant worked in it’s favor. Commissioner Hemphill asked if the plant would be

constructed out of the flood plain. Brungardt responded that there are several parcels that are not in the flood plain in the appropriate area.

Brungardt continued that funding sources included raising user charges and system development fees. There will need to be 6.2% sewer rate increases every year for the first five years. The study projects 50 building permits issued for the next two years, then 75 permits annually thereafter. Staff did an analysis of the fee structures of area communities, and De Soto will still be competitive.

Brungardt stated that if the Commission has suggestions they would be forwarded to the consultant. He would like to have this back to the Council in February with any requested revisions. Honomichl noted that the Commission will need to make a recommendation as to the proposed public utilities' conformity with the Comprehensive Plan. Brungardt noted that elements of the Plan were used throughout the development of the study. Planning Consultant Lisa Briscoe stated that she could not find any conflicts with the anticipated growth patterns and location of growth; each alternative was supportive of the Plan.

Motion by Commissioner Friday to approve the wastewater master plan that has been provided over the last of several meetings as being consistent with the Comprehensive Plan of De Soto; second by Templin.

Commissioner Moberly asked if the Commission should acknowledge that there will be minor changes made that will not affect the consistency with the Plan.

Motion by Commissioner Friday amended to approve the wastewater master plan that has been provided over the last several meetings as being consistent with the Comprehensive Plan of De Soto and acknowledging that there will be minor changes made that will not affect this consistency; second by Templin.

Brungardt stated that the Commission will be involved with the design of the plant. The Council has decided to contract with Shafer, Kline and Warren for engineering services using industry standard design fees.

Roll Call:	Friday	Yes	Templin	Yes
	Hemphill	Yes	Honomichl	Yes
	Moberly	Yes	Kroeger	Abstained

Motion carried.

- B. Consider amendment(s) to the Zoning Regulations and Procedures Manual pertaining to the rights vested in site plan approvals.

City Attorney Patrick Reavey stated that all zoning ordinances have stipulations for rights vested between approval and construction of site plans or final plats. There is some ambiguity with the City's existing language. Only if your vested rights have expired would you have to comply with newly enacted regulation amendments. State statute allows five years from the recording of single-family subdivision plats to commence construction. How this is handled for other land uses is up to the local jurisdiction. If the project is not constructed in that time frame, the developer must replat or confirm that the project conforms to the zoning regulations. Reavey continued that he recommends non-single-family subdivisions have 18-months to commence their project before the plan is null and void; for single family uses there are 5 years of vested rights. There are provisions for extensions as well, with single-family projects able to apply for a one year extension and non-single family to apply for an extension

of 6 months, to the Commission showing extenuating circumstances. Existing projects will have 6-months to seek an extension of approval after notification by staff.

Commissioner Templin asked why Reavey chose to leave in item C; he believes it to be too vague. Reavey replied that since this matter is dealing with property rights, he would like the Commission to base their decisions upon specific findings. Templin stated that he would have given reasons why extensions should be approved, not denied. Commissioner Kroeger said he agrees with having set parameters with which to grant extensions. Reavey stated that if the Commission decided to remove this language, he would recommend adding "at the sole discretion of the Planning Commission". Commissioner Friday agreed with Templin that the language should support the City's position and that this statement gives too much leverage to the applicant. After some discussion, the Commission agreed to strike the three criteria under section C. Commissioner Moberly requested that the last sentence be changed to "Consideration of an extension for vested rights should be at the sole discretion of the Planning Commission".

Commissioner Templin asked if under section D-1, city staff would be required to send certified letters. Reavey stated that he could add "actual notice shall be defined as certified mail and official notice publication". Templin noted that in section D-2 the words "phase" and "stage" should be consistent. Chairman Honomichl requested that language be changed to "if a site plan for a project is identified to be completed in phases".

Motion by Commissioner Templin to recommend that the revised language in the City Attorney's memorandum dated October 25, 2004 be approved by the Governing Body as a text amendment to Subsection 10 of Article 3, Subsection 8 of Article 11, and Subsection I of Section 4.04, and that a text amendment adding new language be inserted as the last paragraph on page 70 of Article 14 of the Procedures Manual, provided that the changes and amendments as discussed during the meeting are incorporated into the amendment and advanced to the Governing Body; second by Friday.

Roll Call:	Kroeger	Yes	Moberly	Yes
	Templin	Yes	Friday	Yes
	Honomichl	Yes	Hemphill	Yes

Motion carried.

- C. Consider a Special Use Permit for continuation of the commercial operation of the Zimmerman Kill Creek Farm property, zoned "R-1" Residential - Low Density, addressed 9210 Kill Creek Rd.

Brungardt stated that staff neglected to request comments from Johnson County as is required by the K-10 Overlay district process. Staff is still waiting for comments from the County, though the Commission can forward their original recommendation to the City Council conditioned upon the County's review not warranting additional consideration.

Motion by Commissioner Templin to forward the Commission's original recommendation back to the Council with the condition that if the County disagrees with any portion of the recommended Special Use Permit, or that if the County's comments are not received, the issue must return to the Planning Commission at the February 22nd meeting, or as soon as practicable thereafter, for further consideration; second by Commissioner Moberly.

Roll Call:	Templin	Yes	Honomichl	Yes
	Moberly	Yes	Hemphill	Yes

Friday Yes Kroeger Yes

Motion carried.

7. New Business:

- A. Discuss amendment(s) to the Subdivision Regulations pertaining to cul-de-sac regulations.

Planning Consultant Lisa Briscoe stated that at a recent meeting a City Council member expressed dissatisfaction with the length of cul de sacs and that one may elbow of another. It was recommended that the Commission review these regulations. De Soto has a traditional cul de sac radius of 50-feet, and the length is allowed to be 500-feet from the nearest intersection. De Soto is more restrictive in length than other cities. Most area communities are limited to 700 or 800-feet and none had language that addressed one cul de sac elbowing off of another. Lenexa's regulations took an interesting approach by leaving waivers from the regulations to the discretion of the City Engineer or Planning Commission. Briscoe asked for direction from the Commission on possibly disallowing multiple cul de sacs elbowing one off of another, further restricting lengths, and any other concerns. Brungardt added that they could limit the length from the farthest cul de sac to the nearest through street.

Commissioner Hemphill said that in his opinion the length should be limited to 1,000 feet in all districts, not just "R-0". He preferred cul de sacs to through streets in residential areas. Hemphill offered that the radius could be increased 60-feet in order to allow parking on cul de sacs. Commissioner Friday stated that it is troublesome to have a single access point for safety reasons. The number of people exposed to this potential risk is increased along with the cul de sac length. Chairman Honomichl said that with traditional neighborhood design, cul de sacs are being downplayed in favor of traditional street grids that offer better connectivity. Briscoe noted that many cities are moving toward eyebrows and island configurations.

Commissioner Templin said if they are considering increasing the length to 1,000 feet, then they should require other means of pedestrian access or other design amenities. Commissioner Kroeger recommended limiting it to 25-units on any one cul de sac or combination thereof. Brungardt replied that at "R-1A" or "R-1" densities, the length would not exceed approximately 500-feet. After further discussion, the Commission agreed to not increase the maximum length of cul de sacs because the proliferation of cul de sacs should be discouraged.

Motion by Commissioner Hemphill to adjourn at 9:13 p.m.; second by Kroeger.
All Commission approved by "ayes".

Respectfully submitted:

Kim Gordanier
Planning Coordinator