

**CITY OF DE SOTO
PLANNING COMMISSION**
City Hall, 32905 W. 84th Street
January 28, 2003 – 7:00 P.M.

MINUTES

1. The meeting was called to order by Chairman Templin at 7:00 p.m.
2. Roll call: Honomichl yes Brazukas yes
 Pannell yes Templin yes
 Friday yes Hall yes
 Canaan yes

Citizens signed the record book on page 65.
Public Works Director Mike Brungardt introduced Sara Ritter, the new Economic Development Director, to the Commission.

3. General Business:

- A. Approve minutes from the Planning Commission meeting of December 17, 2002.

Motion by Commissioner Canaan to accept the minutes as written; second by Commissioner Pannell.

Roll call:	Templin	yes	Honomichl	yes
	Brazukas	yes	Pannell	yes
	Friday	yes	Canaan	yes
	Hall	yes		

No changes to the minutes; minutes stand as written.

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 audience members appeared under call to public.

5. Public Hearing:

- A. Public Hearing to consider a revision to the "P-D" Planned Development zoning district application for the Valley Spring Homes Senior Apartments generally located at the Southeast corner of 83rd Street and Kill Creek Road.

Brungardt stated that this is a site plan revision for the "P-D" Planned Development Valley Spring Homes project approved by the City Council on July 2, 2002. The revised plans, submitted on December 31, 2002, include the addition of four buildings, increasing the number of units from thirty-six to fifty-four. The revised plans were reviewed by the Site Plan Review Committee on January 14, 2003. Subsequent revisions have addressed the comments of the Committee and staff. Brungardt stated that approval of the site plan is recommended by staff. Because the site plan revision constitutes a change of zoning, it is a public hearing item and will go to the City Council.

Brungardt went on to say that De Soto Fire Chief Kevin Ritter has reviewed the plans and is not comfortable with the reduction in the number of fire hydrants on site. Chairman Templin directed staff to discuss what the appropriate number would be with Ritter and to be sure these are shown on the construction drawings as meeting public improvement standards.

Planning Consultant Sean Ackerson reviewed Commercial Group's alternative landscaping proposal. He stated that the proposal was discussed in detail at the Site Plan Review meeting, and was found to be generally acceptable. There are three primary buffer areas. The buffer to east has a forty-two percent reduction in materials due to the seven to twelve foot grade change from the units to the eastern property line. The applicant kept a good mix of evergreen and deciduous trees. Ackerson stated that the units along the west buffer sit five to fifteen feet above the property to the south. The applicant has pushed the plant units up closer to the buildings, with plant materials at the top of the hill providing screening as well. Along the 83rd Street buffer to the north, a fifty percent reduction in materials was proposed due to the natural and proposed berming. The Site Plan Review Committee recommended approval of the alternative landscaping compliance proposal for all three buffer areas. Commissioner Hall commented that the proposal meets the intent of the regulations and will provide for adequate vegetation. Chairman Templin asked the Commission their opinion. All responded positively.

Chairman Templin asked for comments from the audience. There were none. Commissioner Brazukas asked if the air conditioners on the east buffer would be screened by evergreens materials. Ackerson responded that the a/c units sit at the bottom of a hill. The view from the east will be the roofline of the units until the materials grow up. Vice Chairman Honomichl asked what provides for alternative compliance, and what is the criteria for judging it's acceptability. Ackerson responded that the criteria is that the proposal be based on additional grade changes, existing vegetation, or site distance. In this case, the topography provides initial screening.

Brungardt stated that all prior covenants of the project are still intact, including use and housing restrictions, and age limitations. Commercial Group has moved the outside storage to the interior of the two bedroom units, decreasing the square footage from 976 to 935, which is still above the minimum allowed. The architecture has changed slightly on account of this change. Chairman Templin stated that the applicant had previously expressed a desire to expand the project south, and have decided to do so now. Brungardt stated that as a result of the review of the public improvement drawings, the turn lane on 83rd Street has been lengthened by several hundred feet than was previously shown. Commissioner Friday questioned the length of the turn bay. Brungardt responded that because the turn lane will be at the crest of a hill with 45 mile per hours speeds involved, the total deceleration and stacking distances were included in the turn bay itself.

Commissioner Brazukas asked if the Amtrak trucks entering 83rd Street nearby were taken into account. Brungardt responded that there is little Amtrak traffic, and it usually occurs late in the evening. A traffic analysis of the area was performed which indicated that a turn lane wasn't warranted. It was deemed necessary, however, due to the elderly population and future growth projected in the area. Upon further review and the obtaining of a verbal agreement for a utility easement from a neighboring property owner, the sewer line configuration has changed as well, and will now cross 83rd Street. Don Cooper with Commercial Group said from the audience that they feel the project is ready to move forward, and appreciate the Commission's consideration.

Motion by Commissioner Canaan to recommend approval of the Valley Spring Homes site plan with alternative landscaping compliance according to the recommendations of staff, including Mike Brungardt's memorandum dated January 21, 2003, and Sean Ackerson's memorandum dated January 23, 2003, with the exception of the number of fire hydrants, to be worked out by the applicant and staff; second by Commissioner Hall.

Roll call:	Templin	yes	Honomichl	yes
	Brazukas	yes	Pannell	yes
	Friday	yes	Canaan	yes
	Hall	yes		

Motion carried.

6. New Business:

- A. Consider a Text Amendment to Article 7 of the City Code pertaining to private sewer system requirements.

Commissioner Templin stated that the text amendment should be discussed only, not considered, as that would require a public hearing. Brungardt said a review of the current regulations was begun over a year ago. Upon review, the subcommittee was in agreement that in determining the overall suitability of septic systems, the regulations were most lacking in definitive requirements. The regulations also didn't properly address administrative duties and how to make systematic determinations in the field. The Building Inspector needs more to back him up in the case of a determination that a site is unsuited for septic, so that such determination wouldn't be viewed as arbitrary. The subcommittee looked into what tests and methods other jurisdictions use in their evaluations.

There are five areas where the Building Inspector is to make a judgment: topography and landscape position, soil characteristics, groundwater, soil depth, and available space, said Brungardt. The bulk of the new regulations pertains to soil characteristics, which are by far the most complex. Brungardt gave an overview of the proposed regulations. He thanked audience member Richard Moberly, a Geotechnical Engineer with URS, for his work on the subcommittee. Moberly was a great source of information on the standards used to classify soil in field. The American Society for Testing and Material's D 5921-96 standard gives a good description of the method of classification. The proposed regulations would not change the minimum lot size of one acre for septic systems. Brungardt continued that the standards would be increased so that a one acre tract would need near-perfect conditions to be suitable for septic. All sites must be of sufficient size for an adequate lateral field and additional room for a replacement area. Determinations are made on a case by case basis, but septic systems will not be allowed if any of these conditions are not or cannot be made suitable.

Section H-i will be removed because the information contained therein is described in the table which immediately follows. Commissioner Hall asked how the maximum expected number of residents is determined. Brungardt responded that it is a rule-of-thumb. The language was added in the case of knowing beforehand that a large number of people would be living in the residence. The City hasn't had a high failure rate with their septic systems except in areas that have been annexed, where the septic systems were approved by the county. Since the enactment of the current street and stormwater detention subdivision regulations, no septic subdivisions have been proposed, due largely to economics. If there are proposals, the developers will need to acquire information stating with some certainty that all or most of the lots will be suited for these regulations.

Commissioner Pannell stated that in some rural counties, high density developments use collector sewer systems or lagoons. Brungardt stated that the proposed regulations don't address those systems. There has been some interest in lagoon systems, but most developers are deterred by the need for a KDHE special discharge permit. They require a lot of space but not as much maintenance as a lift station. Developers usually turn them over to cities to avoid the liability and maintenance. The county requires that developers install sewer mains for future connection at the same time as their individual lateral lines. The cost associated with installing two sewer systems is a deterrent to development in those areas. Brungardt stated that if the Commission wishes, language addressing collector systems could be added. There were no affirmative responses.

Chairman Templin directed staff to advertise the text amendment as a public hearing item. Action will be considered at the February 25, 2003 Planning Commission meeting. He thanked staff and Richard Moberly for their work.

Motion by Chairman Templin to move New Business agenda item C before New Business agenda item B; second by Honomichl.

Roll call:	Hall	yes	Canaan	yes
	Brazukas	yes	Pannell	yes
	Honomichl	yes	Templin	yes
	Friday	yes		

- B. Discuss possible Text Amendment to Section 3 of Article 5 of the Zoning Regulations pertaining to accessory structures and uses, and particularly to wind turbines.

Planning Coordinator Kim Gordanier described the reasoning for the possible text amendment. A retailer of wind turbines has contacted the city on several occasions about regulations of same. He indicated that several residents were considering installing wind turbines on their properties. Wind turbines are not specifically mentioned as allowable or disallowable accessory structures, making a judgment difficult to substantiate. Ackerson stated that it would be appropriate to make some specific requirements for wind turbines. They can range from 30 to 125 feet, for individual or commercial uses. Communities that have specific regulations allow wind turbines in certain districts and with minimum lot sizes, as some noise is associated with them. Ackerson said that wind turbines are not listed as an allowed use, and as such, are disallowed. They need to be listed in the Permitted Uses by District table as not allowed in certain districts. Chairman Templin questioned the need for the text amendment. If it is not specified, then it is not allowed. There doesn't seem to be much interest anyway, and he doesn't want De Soto to be the test community for this. Ackerson said that wind turbines are unique enough to cause an issue. He is waiting to hear back from Johnson County and will apprise the Commissioners of their regulations.

C. Discuss first drafts of 2003 Comprehensive Plan Update, and associated meeting schedules.

Ackerson stated that the drafts of the demographics and economic analysis, public facilities and existing conditions will be the foundation for the goals and objectives and future land use sections. Staff would like to give a brief overview to the Planning Commission and receive their input. The next step in the process will be a meeting of the Steering Committee to review the material and act as a sounding board for specific goals and issues. Chairman Templin stated that the Commission has not had time to review all of the material. They will discuss this at the February Planning Commission meeting. Many of the Commissioners are also on the Steering Committee. After some discussion, it was decided that the Steering Committee would meet on February 18, 2003 at 7:00 p.m.

Sara Ritter, Economic Development Director, informed the Commission that she will soon be going to the City Council with a proposal for a Target Industry Study. The study, facilitated by the Real Info Company, will give insight into what types of companies the City should be pursuing. Greg Johnson, City Administrator, stated from the audience that the Target Industry Study would be beneficial in creating a new Future Land Use and Economic Development plan.

Chairman Templin suggested that a future agenda item could be new minimum lighting requirements for commercial and residential areas. He would like staff to develop something to facilitate discussion at an upcoming Commission meeting. Brungardt added that there is little detail in the Subdivision Regulations as far as who is responsible for street lighting and when it is installed.

Motion by Commissioner Pannell to adjourn at 8:22 p.m; second by Commissioner Friday.

Respectfully submitted:

Kim Gordanier
Planning Coordinator