

**CITY OF DE SOTO
PLANNING COMMISSION**

City Hall, 32905 W. 84th Street
Tuesday, December 18th, 2007 at 7:00 P.M.

MINUTES

1. The meeting was called to order by Chairman Kevin Honomichl.

2. Roll Call: Walker	Present	Hemphill	Present
Honomichl	Present	Kroeger	Present
Krudwig	Absent	Crumbaker	Present
Templin	Absent		

SPECIAL ITEM: Review Motion on Agenda Item #5.A from the November meeting, a Special Use Permit for Oncimmune USA, LLC.

Engineer Brungardt said there was quite a bit of discussion regarding the five-year term limit. The Council will be hearing this matter on their December 20th Agenda. Planner Bohnsack discussed the staff recommendations as stated in the staff report. Further discussion between the Commissioners and staff regarding the intent of the Commission regarding the term limit.

(The record reflects Commissioner Krudwig arrived at 7:05 p.m.)

Commissioner Walker said he recalls that the Commissioners had intended to invoke the five-year term limit on the special use permit. Commissioner Crumbaker said it was his full intent to include the five-year term limit in his motion; however, he failed to include that wording in his motion.

After discussion concerning this item, it was determined that it should be addressed as a regular agenda item.

3. General Business:

Chairman Honomichl said he would like to move the Special Item down to Old Business, Item 6 A. and move 6 A. to 6. B.

A. Approve Planning Commission agenda.

Motion by Commissioner Krudwig to approve the Agenda, as amended; second by Hemphill.

All Commissioners approved by "ayes".

Motion carried.

B. Approve Minutes of the November 27, 2007 Commission meeting.

Motion by Commissioner Crumbaker to approve the Minutes; second by Kroeger.

Commissioners approved by “ayes”. Commissioner Krudwig abstained as he was absent from the prior meeting.

Motion carried.

C. Disclosure of conflicts of interest. None disclosed.

D. Disclosure of outside communications regarding Commission business. None disclosed.

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. Consideration of an application for a Special Use Permit for Bob Power to convert a residence located at 32955 W. 83rd Street to a business office. **(TABLED DUE TO INCOMPLETE APPLICATION.)**

Motion by Commissioner Kroeger to table this item until the January 22nd, 2008, meeting of the Planning Commission; second by Walker.

All Commissioners approved by “ayes”.

Motion carried.

Discussion between Commissioners and Engineer Brungardt regarding the application.

6. Old Business:

A. Review Agenda Item 5. A from the November 27th, 2007, meeting. Chairman Honomichl requested discussion from the Commissioners on a five-year limit for the special use permit and the stipulations as discussed in the Staff Report dated November 21st, 2007. Discussion by Commissioner Crumbaker that Kansas has provided state funding for this company. Commissioners stated the staff report stated 40 employees and under the special use permit and the allowed parking spaces, the 40 employees shall remain. For the record, Planner Bohnsack asked that Commissioner Templin’s written response be read into the record, as follows:

“I do recall the discussion of a five-year term; and, I actually thought this is what we approved. If we missed it on the motion, I certainly think that is pure oversight. That is what was intended.”

Motion by Commissioner Crumbaker to rescind his prior motion, which was to recommend approval of the Special Use Permit for a blood and serum testing lab for the reasons and stipulations pointed out in the staff report; and to replace that with a new motion to recommend approval for a period of five years a Special Use Permit for a blood and serum testing lab for the reasons and with stipulations pointed out in the staff report for the property

located at 8960 Commerce Drive, Building 5 which now called Building 1 of The Commons; second by Walker.

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

Motion carried.

Discussion by Commissioner Krudwig on the parking stall stipulations. Chairman Honomichl said the building occupancy and parking stalls are all reviewed in the overall site plan. Discussion by Commissioner Hemphill regarding the special use permit being tied to the footprint of the building and what the City's regulations call for in a particular business use. Continued discussion by Engineer Brungardt.

- B.** Comprehensive Plan Review Downtown Development Plan – review of proposed zoning regulations. Planner Bohnsack discussed the draft presented for the Downtown Redevelopment Plan. She stated some sections are taken from the plan provided by Marty Shukert. Discussion on the term “New Urbanism” by Planner Bohnsack and Commissioner Hemphill. Chairman Honomichl said this is a new phrase or catch word that, at this point, paints a mixed-use setting. Commissioner Kroeger said this is mixed uses and pedestrian oriented, not vehicle oriented, and a higher density with inter-connected street network. Commissioners agreed to strike the “New Urbanism” term and replace it with the theory of urban design. Planner Bohnsack amended the language in the draft. Commissioners continued to discuss the proposed traditional downtown plan.

Planner Bohnsack provided a power point presentation and showed Commissioners the overlay district boundaries. Commissioner Kroeger requested the boundary be moved to include the parcels that front Kickapoo Street. The map was revised as requested by the Commissioners.

Planner Bohnsack discussed the definitions stated in the draft and requested Commissioners comment on any adjustments recommended for the definitions. Discussion on the Single Family Residential definition centered on including three-family dwellings. It was determined that three-family dwellings should be shifted to the Multi-Family definition. Planner Bohnsack adjusted the definitions on the Power Point draft document as requested. Discussion followed regarding the parking ramifications for multi-family residential. Discussion continued on the Mixed-Use and Commercial Use definitions.

The Commissioners moved on to the Application Approval section and considered how the review process would be handled and by whom for the TND Overlay. The draft plan recommended using the Site Review Committee as approving body, but Commissioners stated site plans should go to the Planning Commission because the Site Review Committed is a recommending body and did not have approving authority from the mayor. Chairman Honomichl said he thinks it would be all right to give staff the ability to determine some submittal processes for minor changes. Chairman Honomichl stated that setbacks, buffering, drainage and parking restrictions need to be relaxed in the TND Overlay.

Commissioner Krudwig asked about lighted signs in the TND Overlay. Discussion stating signage would be covered by the sign regulations. The underlying zoning regulations would determine landscaping. Engineer Brungardt will work on draft language concerning drainage requirements and bring it back to the Commission.

Discussion ensued on side and rear yard setbacks and consideration of the term 'landscaped strip.' The Character of Area definition was also discussed and determined to be irrelevant—that the character should be defined and established in the Intent section. Commissioner Hemphill requested specific language be included in Section 4 regarding elevation photos of adjacent properties be required.

Commissioners and Planner Bohnsack continued to discuss Section 5. Permitted Land Uses and Density. The term "Contribution" is termed to be a financial contribution. There was discussion on whether individual structures on an individual lot should not be any closer to a side yard than five (5) feet or if zero lot line standards would be acceptable and in what instances. Commissioner Walker said the fire code regulations would be the prevailing regulations that should apply. Discussion ensued on sidewall articulation. The front yard setback and intersection sight triangles were also discussed. Commissioners discussed rear setbacks and proper turning radius from the street.

Commissioners and staff discussed whether the footprint area of a single commercial structure permitted within the TND and the surrounding neighborhood should be limited. The sidewall height of accessory structures was discussed concerning the comments provided by Steve Chick, City Building Official.

Commissioners will discuss the General Design Notes and requested that heading be changed. Discussion by Engineer Brungardt.

Chairman Honomichl requested that the discussion items be incorporated into the document and returned to the Commission for review at the next meeting.

7. New Business: None.

8. Staff Advisory Reports

- Review schedule for 95th Street planning meetings. Planner Bohnsack provided proposed meeting dates for the Commissioners. Discussion by Commissioner Kroeger on the time frame. The first three dates are agreeable and set.
- Engineer Brungardt said he met today with Johnson County Staff and they have received three proposals for the Kill Creek alignment study. They will be selecting a consultant sometime after the first of the year.

9. Calendar:

- A. *December 20th, 2007 - City Council* - Tentative Planning agenda items include:
1. Text Amendment to Appendix A, Permitted Uses by Zoning District
 2. Text Amendment to Subdivision Regulations concerning lot sizes
 3. Special Use Permit for Oncimmune

- B. *January 3rd, 2008 - City Council* - Tentative Planning agenda items include:
None
- C. *January 17th, 2008 - City Council* - Tentative Planning agenda items include:
None
- D. *January 22nd, 2008 - Planning Commission* – Tentative agenda items include:
 - 1. Special Use Permit for Bob Power on 83rd Street
 - 2. Amend Special Use Permit for Kiddie Korner Daycare
 - 3. Amend Special Use Permit for De Soto Athletic (formerly The Body Shoppe)
 - 4. Arbor Ridge Phase II Final Development Plan
 - 5. Comprehensive Plan—Gateway Regulations
- E. *Upcoming Business*
 - 1. Special Use Permit application for a garage in the established front setback.

Motion by Commissioner Crumbaker to adjourn at 10:18 p.m.; second by Krudwig.

All Commissioners approved by “ayes”.

Respectfully submitted:

Lana R. McPherson, MMC
City Clerk