

CITY OF DE SOTO
PLANNING COMMISSION
City Hall, 32905 W. 84th Street
December 27, 2005 – 7:00 P.M.

MINUTES

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

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

3. **General Business:**

A. Approve Planning Commission agenda. Chairman Honomichl outlined the Agenda.

Motion by Commissioner Moberly to approve the agenda; second by Kroeger.

All Commissioners approved by “ayes”.

Commissioner Krudwig has expressed a conflict of interest on Agenda Items 5.a and 6.a, and will leave the meeting when these items are discussed.

B. Approve minutes from the November 22, 2005 Commission meeting.

(The record reflects Commissioner Hemphill arrived at 7:04 p.m.)

Motion by Commissioner Krudwig to approve the Minutes; second by Moberly.

Commissioners approved by “ayes” with Friday and Kroeger abstaining.

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. Public hearing to consider a rezoning from “R-1” Residential Low-Density to “C-2” General Business for a .36 acre parcel located south of Lexington Avenue between Lake and Thorpe Streets, Parcel No. AP54000000 0020.

(Commissioner Krudwig excused himself due to a conflict of interest in this matter.)

Chairman Honomichl requested any comments regarding the staff report that was presented to the Commissioners. Discussion by Commissioner Hemphill and Planning Coordinator Gordanier regarding the landscaping plan and how it relates to the rezoning of the property involved. Further discussion by Chairman Honomichl concerning the request for the rezoning.

Matt Eblen, of Shafer, Kline & Warren, N. Kansas City, Missouri, discussed the rezoning application submitted by the applicant. Discussion by Planning Coordinator Gordanier regarding the public hearing that was advertised for both lots 20 and 21.

Al Jenks and Helen Jenks, owners of Lots 18 and 19, stated they are not opposing the project. However, they do have a problem with the design which involves the grading and drainage of the property. He stated the drainage from the subject property will affect Lots 18 and 19. Mr. Jenks said he has contacted the City and wants this noted as a matter of record.

Commissioner Hemphill asked Mr. Jenks to explain the drainage problem he is referring to. Mr. Jenks referred to the plan and gave a history of the property and the drainage concern. Mr. Jenks stated he has owned the property for 30 years. Discussion by Commissioner Hemphill and Mr. Jenks regarding the drainage. Mr. Jenks stated his concern is with the City and not with the project being discussed this evening.

Discussion by Engineer Brungardt that, over the past 30 years, many things have occurred that may have redirected or impacted the drainage of Mr. Jenks property. Engineer Brungardt stated Mr. Jenks' concern shouldn't impact this rezoning issue.

Chairman Honomichl closed the public hearing after no further comments.

Discussion by Chairman Honomichl and Engineer Brungardt on the public hearing for rezoning of both lots 20 and 21. The Commission can rezone a portion of the request without having to hold another public hearing.

Planning Coordinator Gordanier discussed the criteria as considered by the Golden Factors. The finding relating to whether the use is in keeping with the character of the existing neighborhood is now changed to "neutral", rather than the original "negative" in granting the application. Gordanier also discussed the "negative" finding in Item 10 and stated it could possibly be changed to a "neutral" finding. These changes could affect the positive findings for the rezoning.

The driveway for commercial use was discussed by Chairman Honomichl and City Engineer Brungardt. Chairman Honomichl discussed the changes as they relate to Lot 21 with the Commissioners. Commissioner Friday discussed the grading as proposed for this site with Engineer Brungardt. Lot 21 is a buildable lot under the commercial zone; however, it abuts residential and would require a large landscaping buffer.

Commissioner Kroeger questioned the affect of nearby property as described in finding number 10. Planning Coordinator Gordanier discussed the streamway and erosion control with Commissioner Kroeger. Chairman Honomichl stated that once the rezoning is effected, a request could be made to build on it. Discussion by Commissioners regarding commercial use on Lot 21. Commissioner Hemphill stated his concern regarding the access on Lot 21. City Engineer Brungardt stated the applicant owns Lot 20 and Lot 21. Discussion by Brungardt on the drainage at the end of Hillcrest Street. It is not economically feasible to advance Hillcrest Street to a "through" street.

Chairman Honomichl asked the applicant to consider just the rezoning of Lot 21. The applicant has no problem with the rezoning of a part of the request.

Commissioner Kroeger asked about the criteria on item 9 regarding the economic impact on the community from the uses allowed in the proposed zoning. Discussion by Engineer Brungardt on the taxing of the property and the land value. Chairman Honomichl stated the rezoning would not be adding any cost to the City. Commissioner Hemphill stated he feels it would be some type of improvement at that location and for the community.

Commissioner Friday asked about the revised corner of the driveway, as proposed now, since it was not in the original site plan that was reviewed by the Site Plan Review Committee. Discussion by Mr. Eblen with Engineer Brungardt regarding the original site plan and the driveway issue.

Motion by Commissioner Moberly to recommend that the City Council approve rezoning on Lot 21, and deny the rezoning request on Lot 20; second by Kroeger

Roll Call:	Friday	Yes	Hemphill	Yes
	Honomichl	Yes	Kroeger	Yes
	Krudwig	Excused	Moberly	Yes
	Templin	Absent		

Motion carried.

6. New Business:

- A. Consider site plan for First Community Bank, to be located at 33485 Lexington Avenue, south of Lexington between Lake and Thorpe Streets. Chairman Honomichl referred to the staff report and requested the Commissioners comment on the staff report.

Commissioner Friday asked for clarification on the gradient of the driveway. Discussion by Engineer Brungardt on the gradient and the City's regulations. A small retaining wall or small slope protection will be necessary to establish a stable slope. Staff is recommending some reinforcement mats, or a turf reinforcement mat, for stabilization of the slope.

Commissioner Hemphill requested background information regarding the vacation of right-of-way that was discussed during the site plan review meeting.

Engineer Brungardt stated Lexington Avenue is designated as an arterial road in the City's Comprehensive Plan. Commissioner Hemphill asked about the right-of-way question in front of the new office building by the grocery store on Lexington. Discussion by Chairman Honomichl regarding the debate on the right-of-way amount to retain for future improvements to Lexington Avenue.

Commissioner Moberly discussed his concern with the construction of Golden Lane. He feels this is one of the major stipulations in approving the plan. Commissioner Hemphill stated the lines of the building look reasonable and he likes the flow of the design. He feels the City needs to be a partner in this. Commissioner Friday asked about the 33 parking stalls, which City Engineer Brungardt stated are adequate for the business. Commissioner Hemphill asked about the "utility room" and the architect stated this has been removed from the outside of the building, and moved inside the building. Discussion by Commissioner Moberly on the accessibility for the handicap parking.

Discussion by Commissioner Hemphill regarding the "service barrier" as shown on Sheet L-1. Chairman Honomichl stated this is a type of shrub.

Matt Eblen, of Shafer, Kline & Warren, N. Kansas City, Missouri, stated on behalf of the applicant, they agree with the staff report. He addressed items 1-6. Mr. Eblen stated they agree with item 1. They request the wording change in item 2 to state: "the plans would be approved only after an agreement has been reached to construct Golden Lane."

Discussion by Engineer Brungardt that the City is working with the applicant on how the construction of Golden Lane can be completed.

Dustin Baker, 11065 Kill Creek, De Soto, stated the wording is what the applicant has a concern with. Discussion on changing the verbiage to: "Golden Lane will be constructed prior to the issuance of an occupancy permit for the permanent bank facility." Discussion by Commissioner Kroeger and Engineer Brungardt on the plan for Golden Lane. Engineer Brungardt stated the occupancy permit should be on the "permanent" bank facility as the applicant will have a temporary building on the property until the completion of the permanent bank.

Item 3 was addressed by Mr. Eblen and the requested verbiage "within 18 months of site plan approval, (to be extended, if necessary) until completion and opening of Golden Lane." was discussed by Commissioners. The completion of Golden Lane is the largest concern as stated by Mr. Baker. They want to move into the permanent facility; however, due to delays that could happen in the construction of Golden Lane, they want to be covered.

Discussion by Chairman Honomichl regarding the issuance of the occupancy permit, and allowing 30 days in which to remove the temporary trailer.

Commissioner Friday discussed the 30-day request in which to remove the temporary trailer after the issuance of the occupancy permit. Discussion.

Items 4 and 5 are agreed upon by the applicant. Item 6 has been removed from the outside and moved to inside the building. The applicant agrees to Item 7, regarding the inclusion of additional easements and rights-of-way being included on the Final Plat. Discussion by Chairman Honomichl and Engineer Brungardt regarding the drainage easement.

Commissioner Hemphill discussed the drainage concern with Mr. Eblen of Shafer, Kline & Warren. Further discussion with City Engineer Brungardt.

Commissioner Kroeger discussed the utility room as stated in Item 6. Engineer Brungardt also reminded Commissioners of the condition now of rezoning Lot 21.

Motion by Commissioner Moberly to approve the Site Plan for FCB located at 33485 Lexington Avenue, with the following conditions: Item 1 as published; Item 2 "Golden Lane will be constructed prior to the issuance of an occupancy permit of the permanent bank facility;" Item 3. should state: the temporary building will be removed "once the proposed bank is built". The note should be revised to indicate that the temporary building will be removed within 18 months of Site Plan approval (to be extended if necessary, until completion and opening of Golden Lane). The temporary trailer will be removed within 30 days of the issuance of an occupancy permit of the permanent bank facility; and the rest of Item 3 will remain the same as published. Items 4, 5, 6 and 7 will remain as published; and add a new Item 8: This approval is contingent upon City Council approving the rezoning of Lot 21; second by Kroeger.

Roll Call:	Friday	Yes	Hemphill	Yes
	Honomichl	Yes	Kroeger	Yes
	Krudwig	Excused	Moberly	Yes
	Templin	Absent		

Motion carried.

Chairman Honomichl called a five-minute recess at 8:31 p.m.

Chairman Honomichl reconvened the Commissioners at 8:36 p.m.

Commissioner Krudwig was recalled to the meeting.

- B. Discuss text amendment to Article 7 of the Zoning Regulations pertaining to sign regulations. Planning Coordinator Gordanier provided sample regulations and information to the Commissioners regarding possibly holding a public hearing in January to discuss the City's current sign regulations. The City Council is requesting the Commission to review and comment on sign regulations. Discussion by Engineer Brungardt, Planning Coordinator Gordanier and Commissioners. Sign elevation was discussed as stated in the City's current regulations. A discussion ensued on sign materials.

Chairman Honomichl stated a trigger for the signage plan needs to be addressed. Bulletin boards signs were discussed.

Commissioner Krudwig stated sign setbacks should be addressed. He stated he likes the City's regulations, especially the drawings of the signs. Commissioner Hemphill asked about billboard signs. He liked Shawnee's regulation of 100 square feet in size, and a maximum sign height as stated on page 119 of the exhibit. Commissioner Hemphill also discussed the number of signs allowed and said he isn't against a pole sign. Commissioner Friday stated he tends to oppose the pole signs and would like to minimize the pole signs and does not like the appearance of a "pin cushion" at an interchange. He said we have a very attractive scenic vista and he doesn't want to spoil it by detracting from it with a pole sign. He feels Shawnee has a good sign policy.

Commissioner Kroeger said he concurs that billboards would greatly detract. He isn't adverse to pole signs; however, he feels restricting the size would be good. He agrees with Planning Coordinator Gordanier that wall signs should be restricted.

Commissioner Moberly said he likes what the City currently has; however, he wants to know if the regulations on maintenance are being enforced. He feels if the sign was in place prior to the regulations and the sign is being maintained, then the business owner may have some concerns about having to take the sign down. Engineer Brungardt stated there is a regulation regarding the non-conformance of existing signs and the change in ownership of the business. Discussion on abandonment of business signs.

Chairman Honomichl polled the Commissioners on their opinions and the consensus is to minimize the pole signs. A discussion ensued on pole signs.

Chairman Honomichl highlighted some items, i.e., banner signs as addressed by Shawnee's regulations. He discussed Overland Park's regulations pertaining to future land use signs, signs on ATM's, removal of abandoned signs. In Olathe's regulations, he discussed canopy signs and gas price signs.

- C. Discuss annual review of the Comprehensive Plan. Chairman Honomichl stated the Planning Commission is required under K.S.A. 12-746 to review or reconsider the Comprehensive Plan at least once each year. The West Area Plan will be drafted and adopted in 2006.

Commissioner Moberly stated the economic impact needs to be looked at when a new plan is brought to the City. Discussion by Commissioner Hemphill and Commissioner Moberly regarding the tax issues as well as other items that will impact the community. Discussion by staff and Commissioners on how to implement an economic impact study and the basis for funding. Planning Coordinator Gordanier will look into this and provide a report at the next meeting.

7. Calendar:

- A. January 5, 2006 - City Council
- B. January 10, 2006 - Site Plan Review Meeting – No meeting in January.
- C. January 19, 2006 - City Council

D. January 24, 2006 - Planning Commission

Motion by Commissioner Friday to adjourn at 9:38 p.m.; second by Moberly.

All Commissioners approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk