

**CITY OF DE SOTO
PLANNING COMMISSION**

City Hall, 32905 W. 84th Street
*December 23, 2008 – 7:00 P.M.

Please note: The December 23rd meeting was rescheduled to December 30th, 2008.

MINUTES

1. The meeting was called to order by Chairman Mike Kroeger with Roll Call.

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

3. General Business:

A. Approve Planning Commission Agenda.

Motion by Commissioner Walker to approve the Agenda; second by Crumbaker.

All Commissioners approved by “ayes”.

Motion carried.

B. Approve minutes of the November 25, 2008 Commission meeting.

Motion by Commissioner Walker to approve the Minutes as written; second by Hemphill.

All Commissioners approved by “ayes”, with Chairman Kroeger abstaining.

Motion carried.

C. Disclosure of conflicts of interest. None

D. Disclosure of outside communications regarding Commission business. None

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 and Chairman Kroeger closed the Call to Public.

5. Public Hearing:

A. Public hearing to consider a request to rezone property located north and east of 83rd & Gardner Road from “R-0” Residential Suburban to “P-D” Planned Development for development of Storage Garage Condos.

Engineer Brungardt provided an overview of his staff report dated December 23rd, 2008, addressed to the Planning Commissioners. This application is a rezoning

request from Rural RUR to Planned Development. The review of the Golden Criteria is addressed in the report and Engineer Brungardt reviewed the points for the Commissioners. In general, the recommendation is "positive" in granting the request for the rezoning. The Site Plan Review Committee has met with the applicants and reviewed the preliminary development plan provided by the applicants. The Preliminary Development Plan is more conceptual in nature than an actual site plan, and the PD Plan does not have to be signed (certified) by a professional.

A discussion ensued between Engineer Brungardt and Commissioner Templin regarding the differences in a Preliminary Development Plan as compared to a Site Plan. A Site Plan has to be professionally drafted and signed off by a certified engineer. Commissioner Templin stated he wants the applicant to know there is the possibility of a risk, that matters could change if the density and intensity vary more than five percent (5%), requiring the applicant to go through the rezoning process again.

Engineer Brungardt stated the applicant has corrected some of the concerns that were expressed in the staff report. The applicant also provided a letter addressing the concerns. A copy of the letter is incorporated herein and attached to the Staff Report. Engineer Brungardt discussed the contents of the applicant's letter in reference to some of the concerns addressed in the Staff Report. The Public Water Supply will need to be upgraded to meet the recommended fire flow for this property before any plan approval. About two-thirds of this site is in the floodplain. The property has been filled over the years, and geo-technical reports from testing are available that show very little organic debris in the fill. The property will need to be certified from FEMA that the land does not rise above the 100-year floodplain before a building permit can be issued. Engineer Brungardt discussed the drainage runoff and basins from 83rd Street. This will need to be specifically addressed in the Site Plan when it is submitted to the City for approval.

Engineer Brungardt stated this area has not had a traffic study conducted. The nature and extent of the needed improvements, if any, should be determined after a full traffic study is performed by a licensed professional traffic engineer once 100 units are occupied. This condition should remain a part of the PD approval, and it can be enforced at the time of the site plan approval for subsequent phases.

Planner Bohnsack discussed the surrounding area and the residential uses in the area. She did not hear any negative responses from surrounding residences. She discussed this site as it is referenced in the Comprehensive Plan. Although the Plan recommends moderate density residential development in this location, in-depth examination of the site reveals that the area is not suited to that use. She indicated that the presence of floodplain, the railroad and other existing industrial type uses are negative factors for residential development. The Development Plan sets the standards for the Site Plan. Any recommendations or changes need to be clearly stated on the Development Plan. Engineer Brungardt stated the proposed uses were not specifically designated. The 2006 International Building Code was looked at and this facility will be rated as a "Storage Group S" under the Building Storage uses.

The staff has reviewed the Golden Criteria and ten of the fourteen matters for consideration were found to be positive and four were neutral. It is staff's recommendation to approve the application, conditioned on the submittal of a sufficient preliminary development plan and providing for several conditions as stated in the staff report.

Engineer Brungardt stated the applicant's plan does not provide much space or elements relating to buffering from the adjacent properties or the roadway. The applicant feels like the buildings will be architecturally designed to be upscale and pleasing to the eye and buffering would not be necessary considering the surrounding existing uses.

Commissioner Walker asked Engineer Brungardt about the FEMA issue with the documentation and the certification from FEMA to remove this property from the flood plain. This has to happen prior to a building permit being issued. Discussion ensued between Commissioner Walker and Engineer Brungardt regarding runoff. Chairman Kroeger and Engineer Brungardt further discussed the drainage study for this site.

Chairman Kroeger asked about the lateral fields for the sanitary sewer systems. Building Official Steve Chick said the proposed system should be sufficient. The system is built from imported materials and therefore a replacement site is not needed.

Mr. Eric Offill, introduced Joe Nuti, Brad Burton, and Greg Earlenbaugh, 3 of his partners in the development. He thanked the Commissioners for moving the meeting date. He also thanked Linda, Mike and Steve for all their work and help in moving the plan forward. Mr. Offill said this storage condo idea started on the East Coast and it has spread across the country. There are now four of these in the St. Louis, Missouri area. This is a good storage area with pride in ownership in the facility. He said there is a huge need in the Kansas City area for this type of large area storage facility. This is an "owner" type facility, not a "renter" type storage facility for short-term storage. These garages are ownership investments.

He provided a power point presentation for the Commissioners and discussed the business concept and the features this development will offer. He stated De Soto would be the first in Kansas to have a business like Carriage Houses. It would also employ some local people during the building process. He discussed an increase in the property tax base, as well as the local business exposure for the community. Mr. Offill said the business would provide an opportunity for development and growth for the east side of the City since the water line in this area will be improved.

Brad Burton, 9801 Renner Blvd, of George Butler Associates, discussed the drainage for this proposed development. He also discussed the floodplain concern. Chairman Kroeger asked if a drainage easement is currently proposed on the Penny property.

Discussion between the applicant and Commissioner Hemphill regarding the height of the buildings and the facades. Commissioner Hemphill commented on the visual impact of the proposed buildings. He also discussed the landscaping with Mr. Offill, and the parking arrangements for the garage owners. Commissioner Hemphill asked Mr. Offill if a "code study" has been done. Discussion between Planner Bohnsack and Commissioner Hemphill regarding the fire walls and separation of structures at property lines.

Commissioner Crumbaker asked the applicant what the approximate cost would be for a garage condo. The applicant stated the pricing was based on the pricing rates from across the country. He said the lowest rate in other areas is \$90 per square foot, so they are pricing these at \$83 per square foot. Commissioner

Crumbaker asked if the covenants will be followed with this property; he said the covenants are crucial to this application. He asked if staff feels comfortable with these. Building Official Steve Chick said each one of these units will have an individual Certificate of Occupancy and if the ownership changes, the Certificate will also have to be revised. This is the enforcement mechanism for this property. Discussion.

Commissioner Templin discussed the use being tied to the covenants. The applicant stated these are "private" ownership garages and are open only to the owner and the owner's guests. Discussion between Commissioners and Building Official Chick regarding the "S1" category and the "S1" occupancy criteria. Commissioner Hemphill asked about the security for this planned development. Commissioner Hemphill and Engineer Brungardt discussed the fire trucks and the accessibility and turning radius. Due to the large design to accommodate motor homes, there is ample room for the fire vehicles. Commissioner Hemphill and Chairman Kroeger discussed where the property lines are on two of the buildings.

Discussion between Commissioner Templin and Engineer Brungardt regarding this Preliminary Development plan verses a full Site Plan. Commissioner Templin asked about the landscaping plan satisfying the applicable business zoning. He said because of this submittal being a "P-D", there is a question whether or not the regulations are being met in the Preliminary Development Plan. Chairman Kroeger also discussed the criteria that should be set out in the Preliminary Development Plan. He isn't sure the Commission has all the information needed in order to make a decision on the rezoning request. The regulations state the phases need to be shown. Discussion ensued between Commissioner Templin and Engineer Brungardt. The applicant stated he submitted a landscape plan.

Engineer Brungardt stated all the renderings and the information received is all a part of the application submittal packet. Mr. Offill agreed that the artist renderings are what the project will look like. Discussion continued between Commissioners Templin and Hemphill and the applicant. Chairman Kroeger stated the plan must be 95% complete for the Commissioners to have enough information to rule on the rezoning request. Planner Bohnsack discussed the intent of the "P-D" zoning. Commissioner Templin said he is concerned that there are some items missing in order for the rezoning request to be ruled on. A discussion continued among the Commissioners on the information being provided here tonight verses what a future site plan may or may not include as relating to the present renderings.

Commissioner Walker said he would like to see how this proposed landscaping plan compares to the M-1 or C-2 landscaping requirements. Discussion continued between Commissioners and Staff. Commissioner Walker asked about the right-of-way width for the Gardner Road side of the proposed development. Chairman Kroeger and Engineer Brungardt discussed whether widening would need to be done to 83rd Street at the entrance of this property. Commissioner Crumbaker discussed the architectural drawing on the roof height and pitch. Commissioner Hemphill stated he would like to stipulate the minimum roof slope is to be 3-12 on all the buildings. Discussion ensued between the applicant and Commissioners regarding the roof pitch for all the buildings. The applicant said he would like to be able to vary the roof pitch on the buildings so they don't look like warehouses and all look alike. Discussion ensued between Commissioner Templin and the applicant regarding the roof pitch, facades, etc. Engineer Brungardt stated that he has talked about the specifics of a "P-D" with City Attorney Patrick Reavey.

Chairman Kroeger opened the Public Hearing for comments on this application. No one

appeared and Chairman Kroeger closed the Public Hearing.

Chairman Kroeger asked for further comments. Commissioner Templin said someone new will be sitting in his seat in future. There must be some certainty that another Commissioner will have the latitude to enforce the "P-D" design.

Motion by Commissioner Walker to recommend approval of the rezoning of 29230 W. 83rd Street to "P-D" subject to the stipulations included at the conclusion of the Staff Report, and that no building permits will be issued on this site until adequate fire flow protection is provided, and excluding the recommendation regarding buffering; second by Crumbaker.

Roll Call:	Crumbaker	Yes	Kroeger	No
	Hemphill	Yes	Krudwig	Absent
	Honomichl	Absent	Templin	Yes
	Walker	Yes		

Motion carried.

6. Old Business:

7. New Business:

8. Staff Advisory Reports

- Future business topics were discussed by Planner Bohnsack. Councilwoman Templin has requested looking at regulations concerning wind turbines and solar collectors and other "green type" uses. Bohnsack also provided Commissioners with information about building "green". She requested Commissioners complete a "rating" sheet of topics to be reviewed in January for the coming year. Discussion that wind and solar should be a priority for discussion as Council is interested in this. Discussion between Commissioners and Building Official Chick regarding "green building" codes that are being discussed around the state.

9. Calendar:

- A. *January 7th* - City Council - Tentative Planning agenda items include:
 - None
- B. *January 21st* - City Council - Tentative Planning agenda items include:
 - Carriage Houses "P-D" Zoning
- C. *January 27th* - *Planning Commission – Tentative agenda items include:*
 - Review business topics for 2009
- D. *Upcoming Business*
 - None

Motion by Commissioner Crumbaker to adjourn at 10:00 p.m.; second by Hemphill.

All Commissioners approved by "ayes".

Motion carried.

Respectfully submitted:

Lana R. McPherson, MMC, City Clerk