

**CITY OF DE SOTO  
PLANNING COMMISSION**

City Hall, 32905 W. 84<sup>th</sup> Street  
February 27, 2007 – 7:00 P.M.

**MINUTES**

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

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

(Commissioner Krudwig arrived at 7:06 p.m.)

**3. General Business:**

A. Approve Planning Commission agenda.

Motion by Commissioner Moberly to approve the Agenda; second by Friday.

All Commissioners approved by “ayes”.

Motion carried.

B. Approve Minutes of the January 23, 2007 Commission meeting.

Motion by Commissioner Friday to accept the Minutes as submitted; second by Moberly.

All Commissioners approved by “ayes”, with the abstention of Krudwig.

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. Public hearing to consider amendment(s) to Section 11 of Article 5 of the City of De Soto Zoning Regulations pertaining to personal care services (beauty salons) as home occupations. Planner Buttrum reviewed the staff report concerning the request by Councilman Maniez to have staff review the Home Occupation regulations pertaining to barber and beauty shops. She further discussed the staff recommendations to include a revision to the traffic regulations associated with these home occupations.

Discussion by Commissioner Templin and Planner Buttrum regarding on-street parking concerns with a home occupation business. Discussion between Commissioner Hemphill and Commissioner Templin regarding the on-street parking issues that could develop with a home occupation business. Further discussion ensued with all commissioners regarding the potential parking concerns, especially with on-street parking in a residential area. Daycare occupations were discussed at length concerning the traffic and parking issues.

Commissioner Templin stated, for the record, in his opinion there is no difference between a beauty salon and a chiropractor in terms of the impact upon the neighborhood.

Further discussion by Chairman Honomichl and Commissioners regarding the vehicular traffic, as well as the number of vehicles being parked on the street. Discussion with Commissioner Templin regarding the time allotment for the on-street parking. Discussion by Commissioner Moberly and Planner Buttrum regarding the parking language. Further discussion by Commissioners. Chairman Honomichl feels that three vehicles is a more reasonable number.

Chairman Honomichl opened the public hearing for public comments.

Glenn Robinson, 9065 Waverly, said he lives next door to a home business. He said the fact that his neighbors have off-street parking is very crucial for his neighborhood. Mr. Robinson stated he has no problem with the off-street parking and there isn't an inconvenience to anyone in the area. He said maybe off-street parking is a key issue on the proposed change.

Doug Ebert, 8753 Waverly, stated parking is very site specific. Each neighborhood has its own conditions to consider.

Chairman Honomichl closed the public hearing after no further public comments.

Commissioner Hemphill stated he would like to limit it to two vehicles for on-street parking and four off-street parking. Commissioner Templin said he would disagree and he feels two non-resident vehicles, plus an employee, is his opinion. Discussion by Chairman Honomichl and Commissioner Templin regarding the number of cars parked for a home occupation. Chairman Honomichl said his concern is that the restriction will impact already established home occupations. Further comments by Commissioner Templin and Chairman Honomichl.

Commissioner Friday said he would have to agree with Commissioner Templin on the parking restrictions. He said his vote is the two vehicles, preferably off-street.

Commissioner Friday said he didn't want to develop an environment that would encourage the home business to grow and detrimentally impact the neighborhood.

Further discussion by Chairman Honomichl and Planner Buttrum regarding the new restrictions and the impact on already established businesses in the neighborhood. Discussion by Commissioner Moberly and Chairman Honomichl on home-based businesses. Commissioner Templin said he is an advocate for home businesses, but he doesn't want vehicular parking and traffic to detrimentally affect the neighbors.

Motion by Commissioner Templin to recommend approval of the text amendment with the following modifications to subsection A. 7., to read "Parking associated with the home occupation must be off-street and shall not exceed two additional non-resident or employee vehicles at a time, excluding the drop-off or picking up of children";

Discussion by Commissioner Krudwig on "children" or "people".

Second by Moberly.

Roll Call:	Friday	Yes	Hemphill	No, too limiting
	Honomichl	Yes	Kroeger	Absent
	Krudwig	Yes	Moberly	Yes
	Templin	Yes		

Motion carried.

**6. Old Business:**

- A. Consider a Special Use Permit application for a general office use in the 'R-H' Residential-Historic zoning district, addressed 32955 W. 83<sup>rd</sup> Street. TABLED AT REQUEST OF APPLICANT.

**7. New Business:**

- A. Consider Preliminary Plat for Cedar Hill Estates, located at the southwest corner of 89<sup>th</sup> Street and Waverly Road. Chairman Honomichl said this is an area of land and preliminary plat that has been discussed at previous meetings. The applicant has come back with a "staged" subdivision which is allowed. He further discussed the fact that there is not one single lot on the application that complies with the staged subdivision regulations. He sees this as a non-conforming application.

Engineer Brungardt stated that none of the lots meet the criteria that the future lots be a maximum of 11,000 square feet in size. However, in the future, when sewers are extended, future lot divisions could be feasible. Chairman Honomichl said only a few of the lots are designated to be split.

Discussion by Engineer Brungardt and Commissioner Templin on the authority the Commission would have to grant a variance. Engineer Brungardt said he felt the Commission does have the discretionary authority. Chairman Honomichl said he feels the application is major and substantial non-

compliance of the staged subdivision regulations. He doesn't see this as an application to address. This application was denied at the last Planning Commission meeting. Further discussion by Engineer Brungardt that staff had to look at this application as a new subdivision application. He said he felt this was an area where sewers are projected to be in the future, and this is an area that could begin development now. Chairman Honomichl again stated he doesn't feel this is a valid application.

Commissioner Templin discussed the application of the staged subdivision with Engineer Brungardt. Commissioner Templin asked where the authority is stated for the Commissioners to vary the compliance regulations. He said he isn't convinced of the fact the Commissioners have the authority to vary the regulations. Discussion by Commissioner Hemphill and Chairman Honomichl.

Motion by Commissioner Friday to move to deny the preliminary plat for Cedar Hill Estates on the basis of non-conformance with the staged subdivision regulations;

Discussion by Commissioners.

Motion withdrawn by Commissioner Friday.

Commissioner Hemphill said his recollection was the City's potential number of sanitary sewer connections that was based on land area, and allowed for some deviation. Not providing service to this subdivision is within the expected deviation for the total number of sewer connections.

Commissioner Krudwig discussed the large-lot subdivision on Waverly Road and previous discussions regarding future sewer expansion. He said there is a potential of 45 homes when the sewer is extended; however, at this time 15 or so houses could be built now with appropriate septic systems. Discussion with Engineer Brungardt on preserving the utility easement through the subdivision.

Commissioner Hemphill said numbers were generated based on land area when the future sewer expansion could take place. Further discussion by Commissioners. Chairman Honomichl said he agrees with Commissioner Krudwig in the economics of building 15 homes; however, his concern has to do with the authority or latitude of the Commissioners on the application in the form presented as it is so far out of compliance. Discussion by Commissioner Friday and Engineer Brungardt regarding future sewer hookup requirements. Discussion regarding looking at "staged subdivision" criteria. Commissioner Templin said he doesn't feel the Commission has the legal authority to decide this. Further discussion on potential lot splitting.

Commissioner Templin asked if there is another alternative for this applicant. He feels this is a reasonable place for a rural subdivision. Discussion by Chairman Honomichl that this is a great solution for the property, but the design needs to be massaged to meet the staged subdivision regulations. Further discussion by Commissioner Hemphill and Engineer Brungardt on the previous application.

Motion by Commissioner Friday to move that the preliminary plat for Cedar Hill Estates be denied on the basis of non-conformance with the "staged subdivision" regulations.

No second. Motion dies.

Chairman Honomichl asked the Commissioners to think about the authority they have in granting variances to the City's regulations. He stated, once again, this is a non-conforming application.

Discussion by Commissioner Hemphill that he doesn't want to deny this application and have it go away for a year. Discussion by Commissioner Templin to give the applicant some time to submit alternative revisions.

Motion by Hemphill to table this application to give the owner time to reevaluate the state law and to present something to the Commissioners that is in conformance; second by Templin.

All Commissioners approved by "ayes".

Chairman Honomichl again requested the Commissioners to look at their roles and authority limits. Commissioner Templin asked staff to request the City Attorney review this application and provide a legal opinion. Chairman Honomichl requested that staff look carefully at future applications that are not in compliance before they are brought before the Commissioners.

- B. Consider calling public hearing for text amendment to Article 11 of the Zoning Regulations and Article 14 of the Procedures Manual regarding applicability of site plan review. Planner Buttrum said there are three text amendments being requested. The current regulations do not require a Site Plan on an expansion if the expansion does not exceed 50% of the current size. The regulations call for all site plan applications to go before the Site Plan Review Committee. Staff has admittedly not abided by this section of the ordinance on five occasions for the reasons primarily because of the nature of the project as it related to the scope of the Committee's responsibilities. Staff does not currently have the authority to bypass the Committee's review process.

Commissioner Hemphill asked why staff is requesting the changes. Planner Buttrum said she would like to have specific language. Discussion by Commissioners on the reasoning for the Site Plan Review Committee. Commissioner Templin said he is very comfortable with giving staff the discretion to make the decision as to whether or not a site plan should go before the Site Plan Review Committee. Discussion by Planner Buttrum and Chairman Honomichl. Chairman Honomichl stated he believes staff needs that discretion. Commissioners agreed.

Commissioners discussed their preferences for the language regarding the size enlargement of an original footprint structure. Discussion by Commissioner Templin and Planner Buttrum regarding the expense to the applicant in a site plan. Further comments by Engineer Brungardt on the parking regulations being reviewed. Discussion by Commissioner Friday on the 49% size increase

as opposed to the 50% size increase and the regulations.

Discussion by Commissioner Templin to give staff authority to decide on projects that are no more than 25% expansion. Commissioners agreed on Option One, with the 25% expansion discretion included, of the proposed staff text amendment on Site Plan Applicability Regulations. Staff has requested approval for the proposed staff recommendations. Planner Buttrum will bring back proposed new language for a public hearing.

Chairman Honomichl called a five-minute recess at 8:30 p.m.  
Chairman Honomichl reconvened the meeting at 8:40 p.m.

- C. Discuss support for implementing Downtown Revitalization Plan through text amendments to the Comprehensive Plan, Zoning and Subdivision Regulations.

Planner Buttrum said the Council has discussed with Sara Ritter in hiring Marty Shukart, the Planning Consultant, to aid in a process to alter the regulations for the downtown area, specifically. Staff is looking for a general agreement of the Planning Commission on the "idea" of the text amendments for the Downtown Revitalization Plan.

Chairman Honomichl asked if a developer has had the opportunity to review the transportation issues. Discussion ensued with Planner Buttrum, Chairman Honomichl and Commissioners on traffic for commercial purposes. Commissioner Templin said he feels we ought to talk about this. Commissioners said they are willing to look at revisions.

Commissioner Moberly requested staff to follow up on the show dogs that are in violation of the City's ordinance as it has been months and months since this was brought up. He said the compliance officer needs to get on it. Planner Buttrum said she thinks the attorneys are still talking about it.

Comments from the Commissioners. Commissioner Templin said he attended another city's planning commission meeting. He then complimented this Commission on their professionalism.

**8. Calendar:**

- A. March 1, 2007 - City Council
- B. March 15, 2007 - City Council
- C. March 27, 2007 - Planning Commission

Motion by Commissioner Krudwig to adjourn at 8:55 p.m.; second by Moberly.

All Commissioners approved by "ayes".

Respectfully submitted:

---

Lana R. McPherson, CMC, City Clerk