

**CITY OF DE SOTO  
PLANNING COMMISSION**

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

**MINUTES**

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

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

Chairman Honomichl reviewed the Agenda and stated Planner Buttrum had a new business item for discussion to include as 7. B. Discuss potential text amendment for accessory buildings.

3. **General Business:**

A. Approve Planning Commission agenda.

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

Commissioners approved by “ayes”.

Motion carried.

B. Approve minutes of the February 27, 2007 Commission meeting.

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

Commissioners approved by “ayes”, with Commissioner 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.

5. **Public Hearing:**

- A. Public hearing to consider a zoning map revision from the 'C-1' Central Business district to the 'R-H' Residential Historic district for property located at 8260 Wea Street. Planner Buttrum reviewed the staff report dated March 21, 2007. The applicant, Mark Kruetzer, has applied to rezone to a single family residence. The property is .04 acres. The rezoning is more compatible with the surrounding neighborhood. All of the single-family or duplex residential properties in the "Old Town" area were rezoned to 'R-H' Historic in 1998.

Planner Buttrum reviewed the rezoning criteria, and stated none of the twelve matters for consideration were found to be negative. Three of the items were found to be neutral; the remaining nine were positive. The professional staff recommendation is positive, in favor of granting the application.

(The record reflects Commissioner Krudwig joined the Meeting at 7:12 p.m.)

Discussion by Commissioner Templin and Planner Buttrum regarding the future downtown master plan. Planner Buttrum said the immediate needs of the applicant would take precedence on the future master plan and revitalization of downtown. Discussion by Commissioner Templin that this proposed rezoning could be contrary to the overall future downtown master plan. Continued discussion by Chairman Honomichl and Commissioners with Planner Buttrum on the future use of the property as it relates to the future downtown master plan.

Chairman Honomichl opened the public hearing for comments.

Mark Kruetzer, 33095 W. 89<sup>th</sup> Street, the applicant, stated he bought the property while his son was in Iraq. His son and wife needed a place to live when the son returned from Iraq. Mr. Kruetzer stated he was unaware of the commercial zoning until he went to the bank for the loan. He said the commercial loan keeps going up and he can't get a fixed rate loan as it is zoned commercial instead of residential.

Discussion by Commissioner Templin with Mr. Kruetzer on the real estate taxes. Mr. Kruetzer said the commercial loan rate is adjustable and it keeps going higher. Discussion with Commissioner Hemphill and Mr. Kruetzer on the difference in the interest rates. Mr. Kruetzer said the main reason he purchased the house was for his son and his family to live in.

Chairman Honomichl closed the public hearing.

Commissioner Krudwig said this is a property that, in future, could be purchased by a developer. Presently, he would rather see someone taking care of the property now. Discussion by Commissioners on the future master plan and future rezoning requests for property within the master plan redevelopment. Commissioner Krudwig said goals need to be set, but you have to deal with the reality, too. Commissioner Hemphill said he feels this is an acceptable request for this specific property at this time. This property has been maintained and he feels comfortable with approving the rezoning. Commissioners discussed the rezoning and the future development being market driven. Commissioner Templin said the future plan has to be reviewed, and not just the specific plan in front of Commissioners at each meeting.

Commissioner Kroeger said given the uniqueness of this specific property and where it is situated, he doesn't see it as a roadblock to future development. Commissioner Moberly said the downtown plan is many years in the future and would be market driven. He doesn't see this rezoning request as a detriment to the area. Chairman Honomichl discussed the zoning and the future plan. Commissioner Templin said he didn't want the applicant or whomever owns the property to have a false sense of security. Commissioner Templin stated for the record that, "A rationale for rezoning, in my mind, is rarely appropriate simply for the economics of the owner." Further discussion by the Commissioners that this application is not being solely considered because of the economics; it is also based on the surrounding neighborhood.

Motion by Commissioner Templin to recommend approval to the City Council for the rezoning; second by Moberly.

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

Motion carried.

- B. Public hearing to consider text amendments to Article 11 of the Zoning Regulations and Article 14 of the Procedures Manual regarding applicability of site plan review. Planner Buttrum said this was discussed at length at the last Commission meeting. She discussed the staff report dated March 23, 2007, and the revised language recommended by Patrick Reavey, City Attorney.

Commissioner Krudwig said the applicant should send the site plan to the Site Plan Review Committee as it is the applicant's choice. Discussion by Chairman Honomichl and Commission Templin that Planning Staff has the ability to make the decision. Commissioner Hemphill said the Planning Commission has to look at the plan whether it goes to the Site Plan Review Committee or not.

Planner Buttrum provided comments received from Toni Caldwell. She did not hear back from Mark Crumbaker. Mary Guntert said she doesn't have a concern with the revisions. Planner Buttrum reviewed the comments received in an email from Mrs. Caldwell. Commissioner Templin noted Mrs. Caldwell's reference to the relate persons between the planning staff, the Commission and Council. Further comments by Planner Buttrum that, in the future, staff will provide to the Commission, in writing, as to the determination to make the site plan review decision. Commissioner Templin expressed disagreement as to the need to obtain Planning Commission approval ion support of a decision to forego site plan review committee. The Commission should retain the right to suggest the application should be sent to site plan review, but staff should be empowered to make that decision. Discussion by Commissioners as to the need for advance approval.

On a side note, Commissioner Templin stated for the record, "the only related persons on the Planning Commission and the City Council are me and my wife."

Chairman Honomichl opened the hearing for public comments.

No one appeared and the public hearing was closed.

Commissioner Krudwig asked who handles permits. Planner Buttrum said a request for a permit goes directly to Steve Chick, the Building Official. She said that staff usually discusses permits, i.e. Engineer Brungardt, Attorney Reavey, Planner Buttrum and Building Official Chick. She said this happens regularly and staff has always worked together in keeping each other informed.

Comments by Commissioner Hemphill on the required square footage that would trigger a site plan. Discussion by Commissioner Moberly regarding the revised language on page 3 being clarified.

Motion by Commissioner Moberly to recommend approval of the proposed amendments, as Exhibit B, with the modifications as previously discussed for the zoning regulations in the procedures manual; second by Templin.

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

Motion carried.

Further discussion by Commissioner Templin and Planner Buttrum on permits for the remodeling of the property.

## 6. Old Business:

- A. Reconsider 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 dated March 22, 2007, regarding the Council comments on the parking. Discussion by Commissioners on the off-street parking. Commissioner Templin said he meant what he said, but he understands the majority of the Commissioners see no problem with allowing four cars to sit in the driveway of home businesses. Commissioner's comments. Further comments by Commissioner Kroeger on the parking. Discussion ensued by Commissioners regarding the on and off-street parking issue.

Motion by Commissioner Moberly to insert the word "non" in front of "employee" and make that recommendation for approval to the City Council; second by Hemphill.

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

Motion carried.

Motion by Commissioner Moberly to move Item 7.B. ahead of Item 6 B. for the purposes of discussion and time; second by Kroeger.

All Commissioners approved by "ayes".

(Please go to item 7.B. on the following pages for the discussion comments.)

- B. Discuss Capital Improvements Program and Downtown Revitalization Plan. City Administrator Pat Guilfoyle is present for the discussion. Chairman Honomichl commented on the Planning Commission's part in the process of instituting the Capital Improvements Plan. Comments from Planner Buttrum that Chairman Honomichl provided the Kansas statute to staff and Commissioners regarding Kansas Statute 12-748, Article 7, as it pertains to planning commissions.

Commissioner Templin said he feels the CIP is a Council decision, not a Planning Commission decision, but the Commission's review should be within the confines of consistency with the Comprehensive Plan. Discussion ensued between Chairman Honomichl and Commissioner Templin.

Planner Buttrum relayed staff comments concerning Kansas Statute 12-748, provided by Chairman Honomichl. City Attorney Reavey said his interpretation of the Planning Commission's duty regarding the Capital Improvements Plan is to make a finding and recommendation based upon its conformance with the Comprehensive Plan. They could defer this action until more detailed and accurate project scopes and estimates are available.

Planner Buttrum said the City Council has given approval on the projects; however, due to the complexity of the projects, the Planning Commission may not have sufficient information at this point to compare the plans.

Chairman Honomichl said the reason this goes through the Planning Commission process is that the two need to run hand in hand. Discussion by Commissioner Templin as to the issue of sufficient information stating that if the Commissioner's do not have enough information to evaluate consistency with the Comprehensive Plan, then they should not recommend approval. He feels the Commissioners do have enough information to determine whether or not these projects are consistent with the plan.

Administrator Guilfoyle said he found out just this afternoon there is a new twist to the plan, in that the Planning Commission has to approve the plan. He said the projects must be consistent with a comprehensive plan that has been reviewed and approved by the community. From a procedural standpoint, the projects now have to be converted into annual budgeted projects. Council is working with the City's financial advisor and bond counsel to detail a plan of when future projects will come on line and the financing technique to make them happen.

Discussion by Chairman Honomichl on the Planning Commission doing their job according to statute. Administrator Guilfoyle agreed with Chairman

Honomichl that the projects must fit in with the Comprehensive Plan. Comments by Commissioners that they do not have any issues with the plan.

Chairman Honomichl said he really enjoyed the consensus process and further said Administrator Guilfoyle's process was outstanding. Administrator Guilfoyle said there are many bodies of interest in what is happening in the City. There is great value in bringing everyone together to discuss their thoughts before a decision is made, rather than after. Continued discussion by Chairman Honomichl and Administrator Guilfoyle regarding the City Council's review of the Capital Improvements Plan.

Motion by Commissioner Templin to recommend approval of the 5-year Capital Improvement Plan as consistent with the Comprehensive Plan to the City Council; second by Kroeger.

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

Motion carried.

#### 7. **New Business:**

- A. Consider Preliminary Plat for 'Replat of Snowy Acres Subdivision', located at 8580 Corliss Road. TABLED DUE TO INCOMPLETE APPLICATION.
- B. Discuss potential text amendment for accessory buildings. Planner Buttrum read the Minutes from the Council meeting of March 1<sup>st</sup>, 2007, regarding City Attorney Reavey's discussion with Steve Chick, Building Official, and Mike Brungardt, City Engineer, concerning an application for an accessory structure, as follows:

*"City Attorney, Patrick Reavey, said Steve Chick, Building Official, has talked to him as well as Engineer Brungardt regarding an application for an accessory structure. There is a regulation that regardless where a home is placed on a lot, the garage structure rule is too rigid for large-lot plans. Engineer Brungardt and Attorney Reavey would like Council's opinion on doing a text amendment. Mayor Anderson said he didn't have a problem with it, but would like to know the square footage. Discussion by Councilman Maniez that this has been brought up before and when it was sent back to the Planning Commission, they made the sizes smaller and the restrictions stronger. Further discussion regarding setbacks and screening on accessory structures, and the size of the site as well as the size of the accessory structure. Council asked staff to initiate this to the Planning Commission for further consideration."*

Planner Buttrum discussed the Council's request to review the language. Commissioner Templin said that a garage that is actually attached to the home can extend beyond the front of the home. To the extent someone is going to erect a detached building in the front yard, it has to match the character and nature of the residence. Chairman Honomichl said he says "no". Commissioner Templin said he could see someone wanting to build a carriage

house; Commissioner Moberly agreed. Further comments from Commissioner Krudwig that he feels accessory buildings should go behind the residence, and he also says “no”. Discussion ensued between the Commissioners. Chairman Honomichl said you are affecting your neighbors when you construct a building in the front yard.

Commissioner Templin said he would not be opposed to having a special use permit process for a large lot property. Discussion. Commissioner Templin stated he didn’t think we should prohibit it totally as many factors are involved; we could have a special use permit process in place. Chairman Honomichl said he would consider entertaining a special use permit process. Commissioner Hemphill discussed the surroundings. Commissioner Krudwig commented on a front yard accessory structure in Timber Trails. Commissioner Kroeger said his feeling would still be “no”.

Planner Buttrum said the special use permit would include the size of the lot, the setbacks, the surroundings, the character and nature of the residence, and landscaping. She said it is important not to “over-quantify” these items and keep it open-ended on a case-by-case basis as there are many variables.

Continued discussion by Commissioners. Commissioner Templin said he would like to see what staff could come up with as there could be applications for this type of structure. Discussion by Commissioner Kroeger and Planner Buttrum on the definition of “front yard”. Commissioner Kroeger said he doesn’t quite understand the necessity of the applicant for the need to have an accessory structure in the front. Discussion by Commissioner Templin on the lay of the land necessitating a front accessory structure. Commissioner Moberly said the applications could be looked at on a case by case basis. Continued discussion. Commissioners requested staff draft some language.

**8. Calendar:**

- A. April 5, 2007 - City Council
- B. April 19, 2007 - City Council
- C. April 24, 2007 - Planning Commission

Motion by Commissioner Kroger to adjourn at 8:52 p.m.; second by Moberly.

All Commissioners approved by “ayes”.

Respectfully submitted:

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Lana R. McPherson, MMC  
City Clerk