

**CITY OF DE SOTO
PLANNING COMMISSION**

City Hall, 32905 W. 84th Street
March 29, 2005 – 7:00 P.M.

MINUTES

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

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

3. General Business:

A. Approve Planning Commission agenda.

Commissioner Templin asked if it would be best to move agenda items 5C and 5D before item 5A because the outcome of the rezoning could be dependent upon decisions made later in the agenda. City Engineer Mike Brungardt stated that regardless, the text amendments would not go into effect unless enacted by the City Council.

Motion by Commissioner Moberly to approve the agenda; second by Kroeger. Commissioners approved with “ayes”; Commissioner Templin disapproved with “nay”.

B. Approve minutes from the Planning Commission meeting of February 22, 2005.

Motion by Commissioner Templin to approve the minutes as written; second by Moberly. All approved by “ayes”. Commissioner Friday abstained as he had been absent.

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.

None appeared.

5. Public Hearing:

A. **Public hearing to consider a rezoning from ‘RUR’ Rural to ‘R-0’ Residential – Suburban for property addressed 9970 Waverly Rd. and generally located at the Southwest corner of Waverly Rd. and 99th St.**

Commissioner Friday recused himself and quit the room, stating that his property abuts the subject property.

Triveece Harvey, Planning Consultant with Patti Banks Assoc., noted that the applicant has stated that he intends to split the property into two lots to construct a second single-family

home. Overall, staff's recommendation on the rezoning is positive. The property is currently zoned 'RUR' Rural, and is requested to rezone to 'R-0' Residential - Suburban. Staff found the rezoning's impact on the character of the surrounding properties to be neutral. The property is on septic service. Local access to the site is good, with Waverly Rd. improved to 99th Street. There is not seen to be a pressing need for the uses proposed at this location.

City Engineer Mike Brungardt noted that the Sewer Master Plan indicated that the properties directly to the north, on the other side of a ridgeline, would be sewerable in the future. This indicates a small potential for this property to be served by sewer as well. In the 'R-0' district, the 15-acre tract could be subdivided into 10 to 12 lots at most. Stormwater detention would be required for subdividing beyond a lot split. Water service would not be a problem for this density according to Rural Water District Three. There is found to be no great immediate impact on public services. Brungardt concluded that the finding related to public utilities and environmental considerations was positive.

Harvey stated that there were no detrimental impacts to surrounding properties found except for a slight increase in traffic. Planning Coordinator Kim Gordanier said that the finding related to conformance with the Comprehensive Plan was neutral. The rezoning to 'R-0' would not be in conformance except by amendment to the Future Land Use map. Amendments to this effect are to be discussed in agenda item 5D. It is unknown at this time whether the amendments will be adopted.

Commissioner Hemphill asked if there would be room on the property for secondary lateral fields. Brungardt said that staff would determine upon preliminary plat application if the lot sizes are feasible for septic systems. Commissioner Kroeger asked if the applicant would be subject to the rural street standards that have been discussed. Brungardt replied positively. Kroeger asked if the added tax revenue from additional homes would counter any additional costs to city services. Brungardt stated that staff did not allude to economic impacts in their report, and it is not something that staff is comfortable analyzing.

The applicant, John Clisso, 9920 Waverly Rd., stated that they are just looking to split the property, not subdivide. Most of the property drains to an existing pond. They were told that the zoning would change upon annexation, because this did not happen they are having to rezone now. He will be putting in the septic system himself, and there will be no problem installing one at this location. There is already an extra water meter on the property.

Chairman Honomichl opened the public hearing. Honomichl closed the hearing as none appeared.

Commissioner Templin asked if the rezoning would be appropriate if the Council doesn't agree with the proposed changes to the Comprehensive Plan. Brungardt noted that conformance with the Comprehensive Plan is just one of 12 items the Commission considers for rezoning appeals. Gordanier stated that there are due process considerations and City Attorney Patrick Reavey did not agree with tabling the rezoning until the text amendment process is complete. Brungardt added that the rezoning would be consistent with the Sewer Master Plan study results. Honomichl said there is no defined weight assigned to any one consideration; it is the Commission's role to assign the weight as they see fit. Templin said that the fact that the property is not likely to be sewerd diminishes the importance of the rezoning's conformance with the Plan. Commissioners Moberly and Kroeger stated that they are in favor of the rezoning; it is consistent with the character of that area.

Motion by Commissioner Moberly to recommend to the City Council approval of the zoning change from 'RUR' to 'R-0', and that due to the sewer study, which indicates this property is

not designated to be sewerable, we believe the rezoning is appropriate despite apparent conflict with current Future Land Use map; second by Hemphill.

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

Motion carried.

Commissioner Friday rejoined the meeting.

B. Public hearing to consider a City initiated rezoning from ‘PRU-3’ Planned Residential Urban Townhouse to ‘C-2’ Business – General for property addressed 36270 W. 103rd St. and generally located at the Northwest corner of Sunflower Rd. and 103rd St.

Planning Consultant Triveece Harvey stated that the property was incorrectly rezoned to “PRU-3” Planned Residential with the 1998 zoning map amendment. It had originally been zoned “CP-2” Commercial when annexed into the City. Performance Glass is a retail glass cutting and installation business that is not allowed in the current zoning. The City has initiated the rezoning in order to bring the current use into conformance. The use is compatible with area properties. City Engineer Mike Brungardt stated that the property has a sewer connection tied into the Clearview City development’s private system. Redevelopment of the site would require sewer and stormwater runoff improvements during the site planning process. The site has very good access to a major arterial and regional access onto K-10 Highway.

Harvey noted that the nearest residential property is 77-feet to the east of the site. There is some existing vegetation that may mitigate potential noise impacts. There is not evidence that the use would cause detrimental impacts to surrounding properties. Planning Coordinator Kim Gordanier stated that the area is located in the ‘Mixed Use’ land category on the Future Land Use map. The rezoning is in conformance with this category and therefore the Comprehensive Plan.

Responding to a question from Commissioner Templin, the owner of Performance Glass, Bob Atchison, stated from the audience that the business began operating at that location in January of this year.

Chairman Honomichl opened the public hearing. Honomichl closed the hearing as none appeared.

Motion by Commissioner Templin to recommend approval of the rezoning; second by Moberly.

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

Motion carried.

C. Public hearing to consider amendments to Section 6.05 of the City of De Soto Subdivision Regulations pertaining to establishing rural street standards.

City Engineer Mike Brungardt stated that there have been two revisions to the previous text of the amendment. There is a requirement that after construction and before occupancy there is a survey of the ditches. If the property lies within the rural policy overlay district is one of five considerations the Commission would use in determining whether the relaxed standards are appropriate. Commissioner Templin said he would make clear that not all of the five criteria need to be met; it is not clear now.

Commissioner Moberly noted that there are several minor typos. He asked why the minimum lot size is 1.5 acres. This is not consistent with other regulations that only require 1-acre. Brungardt replied that the subcommittee debated these issues and had approved this change.

Chairman Honomichl opened the public hearing.

Ralph Lewis, 8109 Grenada St., Prairie Village, said that his family owns a 37-acre tract south of Oak Country Estates, and another 30-acres south across K-10 Highway. They have been hamstrung developing the site because of the current regulations. He is very concerned with the criteria in Section 1. If the intent is to allow some rural development outside of the overlay district, why have the overlay. It is not fair for his land to have a negative finding on this point. Mr. Lewis proposed to remove this criteria or have his land included in the overlay district.

John Clisso, 9920 Waverly Rd., stated that regarding the lot sizes, Cherished Oaks subdivision is beginning to have problems with their septic systems. He installs and repairs systems for a living. He asked that the City look into mound systems that the County uses because the local clays and rock don't absorb very well.

Commissioner Templin asked Mr. Clisso to review the recently passed septic regulations and tell staff if there are any problems.

Honomichl closed the public hearing.

Commissioner Templin said he is comfortable with the five criteria, though he proposed that items are followed with the word 'or' to suggest that they are conjunctive. He also suggested that the Lewis property located north of K-10 be included in the overlay because otherwise development will not occur there. Templin asked if there was a provision that allowed someone to petition to be included in the overlay district. Brungardt responded that by default anyone could propose text and map amendments. The Commission discussed limiting petitions to a certain period of time.

Commissioner Moberly suggested adding language that the criteria "may be based on one or all of the following criteria". The Commissioners discussed that this allows too much flexibility. Commissioner Kroeger said it's either the overlay based on this criteria or on a case by case basis with this criteria; he is inclined to limit it to the overlay district.

Motion by Commissioner Templin to recommend approval of the rural street design standards as presented with the addition of the Lewis property north of K-10 Highway, and with the spelling corrections; second by Hemphill.

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

Motion carried.

D. Public hearing to consider amendment(s) to Chapter 7 and Map 12 of the Comprehensive Plan pertaining to various revisions to the Future Land Use map.

Planning Coordinator Kim Gordanier outlined the proposed changes. The land use categories in the eastern and southern portions of the city would be changed to reflect results from the sewer master plan study and the subsequent proposal to implement a rural subdivision policy area. Areas currently designated just as being in the flood plain, without real underlying land uses, need to have future land use designations assigned them. The transitional development overlay is recommended to be removed because it is no longer necessary; the uncertainty of which areas may be serviced by city sewer has been resolved. The Commission may wish to consider implementing a 95th Street corridor overlay in the future.

Gordanier continued that the public hearing notice was written fairly generically. As such, the Planning Commission may decide to act on any or all of the items before them. The area north of K-10 Highway that is outside of the future sewer basins is proposed to be in the Low Density Residential category, which could accommodate one housing unit per acre or fewer. Gordanier illustrated with GIS maps that nearly half of the area is already developed into rural subdivisions. The Low Density Residential category is to encompass all of the proposed Rural Subdivision Policy Overlay, and is wrapped to the south by the 5-acres per unit Rural Policy area. Gordanier concluded that the 95th Street corridor and sewerable areas to the south are to be included in the Urban Service Area, which is intended to promote a holding pattern at 1 unit per 10-acres.

Chairman Honomichl agreed that the Sewer Master Plan is and should be the catalyst for changes to the Comprehensive Plan. He approved of saving large parcels along the 95th Street corridor for redevelopment. Commissioner Templin asked about the County's plan for the area. Gordanier replied that it was currently in draft form and that their Planning Director indicated that they would incorporate De Soto's plan at a future date. Honomichl said he thought the amendments should be taken to the Council in the form of a workshop. Commissioner Kroeger stated that he would like to see amendments to the map for more commercial space.

Gordanier stated that in addition to the changes discussed, the map should be amended to reflect the rezoning of property at the Southwest corner of 91st St. and Lexington Ave. It is standard practice elsewhere, and staff recommends that the map be modified periodically to reflect small scale changes such as this.

Chairman Honomichl opened the public hearing.

Ralph Lewis, 8109 Grenada St., asked that the motion include the amendment discussed for the rural policy area.

John Clisso, 9920 Waverly Rd., said he has noted properties in his area within the County that are soon to be developed, and again stated that the soils in the area are not good for septic systems.

Honomichl closed the public hearing.

Motion by Commissioner Templin to recommend approval of the amendments to the Comprehensive Plan and more particularly the Future Land Use map to incorporate the changes described in staff's report with the modification to include changes discussed regarding the rural subdivision overlay as part of the map.

Motion by Commissioner Templin modified to recommend approval of the amendments to the Comprehensive Plan and more particularly the Future Land Use map to incorporate the changes described in staff's report with the modification to include changes discussed regarding the rural subdivision overlay as part of the map, and to make no changes with respect to flood plain designations at this time and adopt changes to the Future Land Use map to reflect the rezoning of the hospital on 91st Street; second by Friday.

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

Motion carried.

6. Old Business:

A. Consider amendment(s) to Section 3 of Article 5 of the Zoning Regulations pertaining to size and setback limitations of accessory uses.

City Engineer Mike Brungardt stated that the revision to item four was a result of Council discussion. Lots as small as one acre can have accessory structures up to 1,200 square feet. The Council's basic premise was that this text amendment was initiated by two rezoning cases. Neither of the properties that were rezoned would have been allowed large accessory structures with the language presented to the Council.

Commissioner Kroeger asked how often applicants sought rezoning simply to construct larger outbuildings. Brungardt replied that there have only been two that he is aware of. Others, maybe ten total, have chosen to construct smaller buildings rather than go through the hassle of rezoning. Commissioner Templin voiced that, for example, a 1,200 square foot outbuilding in the Timber Trails subdivision would look out of place. After some discussion, the Commissioners agreed that 1,200 square feet on smaller lots is excessive. Kroeger added that he doesn't agree with changing the regulations to fit individual requests. There are thousands of paths to go down if doing that. Commissioner Friday noted that the Commission gave the matter careful consideration before arriving at the original 900-foot.

Motion by Commissioner Hemphill that the Planning Commission resubmit the original recommendation, reason being that a 1,200 square foot structure is too large for any lot less than 4-acres.

The Commission discussed that the 'R-0' district is indistinguishable from the 'R-1' district in most locations; it should be included.

Motion by Commissioner Hemphill amended to that the Planning Commission resubmit the original recommendation; the Commission feels that the 'R-0' district should be included in the criteria established, that is 250 square feet per acre to a maximum of 2,400 square feet or 900 square feet, whichever is greater; second by Moberly.

Commissioner Templin noted citizen complaints during the Council meeting that anything less than 1,200 square feet is not a standard size and is more expensive. Brungardt

said he has heard that before and is not entirely sure that it is the case, though this size is certainly more convenient. Hemphill added that the cost per square foot goes down the larger the building.

Commissioner Moberly said he would like the ability to look at each case instead of trying to formulate regulations to cover many unique situations. Chairman Honomichl said he doesn't agree with bundling the 'R-0' district with it.

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

Motion carried.

The Commission discussed having a volunteer voice the Commission's position to the Council at their meeting. Commissioner Kroeger will fill this role.

Motion by Commissioner Templin to play a tape of the star spangled banner before every Commission meeting; second by Hemphill.

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

Motion failed.

Motion by Commissioner Moberly to adjourn at 9:40 p.m.; second by Friday. All Commission approved by "ayes".

Respectfully submitted:

Kim Gordanier
Planning Coordinator