

**CITY OF DE SOTO
PLANNING COMMISSION**

City Hall, 32905 W. 84th Street
May 27, 2008 – 7:00 P.M.

MINUTES

1. The meeting was called to order by Chairman Kevin Honomichl at 7:02 p.m.

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

3. **General Business:**

A. Approve Planning Commission agenda. Chairman Honomichl stated he would like to add the annual election of officers to the Agenda this evening. Commissioner Kroeger said if possible, he would like to move New Business Item 7 b to after Item 5 c.

Motion by Commissioner Walker to approve the Agenda as amended; second by Kroeger.

All Commissioners approved by "ayes".

Commissioner Kroeger requested a moment of silence in memory of Bob Friday, a former Planning Commissioner for 16 years, who passed away a few weeks ago.

B. Approve minutes of the April 22, 2008 Commission meeting. Discussion by Commissioners and Planner Bohnsack regarding the emailing of the Minutes. Chairman Honomichl discussed comments relating to the Minutes.

Motion by Commissioner Krudwig to continue providing written Minutes to the Commissioners in their packets; second by Hemphill.

All Commissioners approved by "ayes".

Motion carried.

Motion by Commissioner Walker to approve the Minutes; second by Kroeger.

Commissioners approved by "ayes" with Commissioner Krudwig abstaining due to his absence at the last meeting.

Motion carried.

C. Disclosure of conflicts of interest. Commissioner Walker stated that through marriage, he is related to the owner of the property regarding the rezoning on 9345 Lexington Avenue. However, the Commissioners determined there is no monetary gain in this indirect relation. Commissioner Walker has had no conversations with the property owner regarding this matter.

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 the Call was closed.

5. Public Hearing:

A. Public hearing to consider proposed revisions to the Future Land Use Map of the Comprehensive Plan for the 95th Street Corridor area. Chairman Honomichl opened the public hearing. No one appeared and the public hearing was closed. Discussion by Commissioner Hemphill and Engineer Brungardt regarding the description of an "urban service area". Comments by Commissioner Kroeger.

Motion by Commissioner Kroeger to recommend to the City Council the adoption of this map into the Comprehensive Plan; second by Walker

Roll Call:	Walker	Yes	Hemphill	Yes
	Honomichl	Yes	Kroeger	Yes
	Krudwig	Yes	Crumbaker	Absent
	Templin	Absent		

Motion carried.

B. Public hearing to consider proposed revisions to Article 7 Sign Regulations as they apply to temporary banner signs. Planner Bohnsack discussed her comments as stated in the staff report dated May 27, 2008. She reviewed the Statement of Purpose as set forth in the sign regulations. The descriptions of banner signs and temporary signs were discussed. Commissioners and Building Official Steve Chick commented on temporary signs as they pertain to "wall signs". Chairman Honomichl and Planner Bohnsack discussed the description of banner sign as opposed to the description for a temporary sign. Comments by Commissioner Krudwig regarding banner signs and the length of duration they can be displayed. Banner signs can be up for 21 days and temporary signs are allowed 90 days.

Discussion ensued between Commissioners and Planner Bohnsack. Commissioner Walker stated it was his understanding that Commissioners were requested to look at the size and duration of time banner signs could be utilized. Planner Bohnsack said there were comments regarding how long the banner signs could be left on display. Staff suggested Commissioners could look at the option of banner signs requiring a temporary use permit. However, Planner Bohnsack stated this would cause these permits to go before the City Council for oversight.

Commissioner Hemphill said he is in favor of the applicant having to come before the Planning Commissioner and the City Council for a sign that is going on the right-of-way. Chairman Honomichl discussed the two different types of signs. Commissioners agreed they do not want to change the descriptions in paragraph 2. Commissioner Krudwig stated he is concerned about the frequency issue.

Planner Bohnsack continued with the staff report and discussed the option of a Temporary Use Permit process. She does not recommend doing this; Commissioners agreed.

The Exempted regulations were discussed. Planner Bohnsack stated she strongly suggests there is a permit so that staff can enforce the regulations. If the intent is to exempt temporary signs from the entire sign regulations, staff loses considerable basis for enforcement of the regulations by the Code Enforcement Officer and the Building Official. Discussion ensued by Commissioners and Planner Bohnsack regarding the exemptions of Section 5 of the sign regulations. Engineer Brungardt discussed the staff recommendations for banner signs. Currently, there is no permit requirement in the regulations. Discussion between Commissioner Kroeger and Planner Bohnsack regarding the current regulations and how they compare to cities around De Soto.

Chairman Honomichl opened the public hearing for comments.

Larry Cox, representing the De Soto United Methodist Church, 412 N. Mesquite, Olathe, KS 66061. He stated they understand the need to regulate banner signs and they do not have a problem with the number of days a banner can be up. He stated the Church's concern is that the church uses banner signs 6 or 8 times a year to advertise forthcoming events. They want to use banner signs more than 2 or 3 times per year. Discussion by Mr. Cox that sometimes the banner sign is up for 21 days and sometimes it is less days. Discussion by Commissioner Hemphill and Mr. Cox regarding the "Sunday worship" banner on the front of the church. Mr. Cox stated that banner sign is coming down as they have the new monument sign.

Discussion by Commissioner Kroeger and staff regarding the requests for banner signs. Commissioner Krudwig said that the motivation for the "cumulative" time to display a banner sign may be a way to get the banner signs down when the event is over. Discussion by Building Official Chick regarding the fast-food businesses running a promotion regularly.

No one else appeared and Chairman Honomichl closed the public hearing.

Chairman Honomichl said the time issue was one concern of the City Council. Commissioner Walker said he was leaning toward 60 days cumulative total, with a limit of 21 consecutive days to display the banner. These would be permitted signs so there is a means to track the signs.

Discussion between Commissioner Kroeger and Mr. Cox regarding the permit process paperwork. Mr. Cox said they didn't have any concerns doing the paperwork; the concern is how many times they can display a banner sign. Continued discussion between Commissioners and Planner Bohnsack. Commissioner Kroeger said he would recommend 90 days cumulative over the course of a calendar year with no more than 21 days at one particular time. Commissioner Krudwig said he feels 90 days would allow time to do a monthly event with a couple of other events. Planner Bohnsack asked Commissioners to discuss the size of the sign. Discussion between Commissioners and Engineer Brungardt regarding the size and the banner being attached to a building. Commissioners agreed on a 20 square feet maximum size for a banner sign, with

one banner sign per business entity. Continued discussion. Commissioners agreed to the 90 days cumulative in a calendar year with no more than 21 days at one particular time; permit is required; a 20 square feet maximum banner size; and one banner to be displayed at a time per business entity; only one active permit at a time. Discussion by Planner Bohnsack and Chairman Honomichl on bringing back this revision to the June meeting for consideration.

- C. Public hearing to consider an application for revision of the Official Zoning Map for a property located at 9345 Lexington Avenue. Chairman Honomichl asked if there were any comments from Commissioners. Planner Bohnsack stated the public hearing did not make the publication notice in time and she recommends holding a special meeting on June 4th. Discussion by Planner Bohnsack on the future land use along the southeast of K-10 and Lexington Avenue.

Motion by Commissioner Kroeger to table this item to a special meeting on June 4th, at 7:00 p.m. to take action on it; second by Walker.

Roll Call:	Walker	Yes	Hemphill	Yes
	Honomichl	Yes	Kroeger	Yes
	Krudwig	Yes	Crumbaker	Absent
	Templin	Absent		

Motion carried.

(Amended Agenda moving item 7.A. forward)

- A. Discuss existing regulations concerning the location of small accessory buildings. Building Official Steve Chick said he has had several problems with small accessory buildings—those less than 200 square feet. In the case of the average sized residential lot, it is difficult and sometimes impossible for an accessory structure to meet the side and rear setback regulations. Mr. Chick said he has discussed this concern at length with staff. His concern is the rear yard setback for the smaller accessory buildings. Discussion by Commissioners and Mr. Chick regarding the rear yard setback language. Commissioners discussed the eave height being the setback width and also the minimum being 10 feet. Commissioners agreed applicant must comply with the side or rear yard requirement, and the side or rear yard setback need not exceed 10 feet, for an accessory structure of 200 square feet or less, measured from the property line to the nearest extreme architectural projection. Discussion by Commissioners and Engineer Brungardt on the modification of paragraph a.

6. Old Business:

- A. Consider an amendment to the Articles 3 & 4 of the Subdivision Regulations to incorporate requirements for condominium subdivision developments and the conversion of existing developments to condominium subdivisions. Planner Bohnsack provided a staff report and stated she discussed this topic with several area planners. The Statutes are very specific about the information a Declaration must contain when it is filed of record with the plat. The County Appraiser reviews each plat and Declaration for individual values of the separately owned

condominiums. The Appraiser is the trigger point for enforcement of the Statutes. She discussed whether or not older buildings can be converted into condominiums under the building codes.

Building Official Steve Chick spoke to his concerns in the change of occupancy in older structures that were designed years ago and do not meet the new codes, especially in the fire walls. The older buildings could possibly be converted to meet the new codes; however, it would be quite costly. Comments from Engineer Brungardt regarding the property lines and ownership of older buildings that share a common wall. He commented that the Kansas Statutes set forth the requirements for condominiums.

Discussion continued between Commissioners and staff requiring business licenses as a way to track the changes of businesses and occupancies. Commissioner Hemphill said the Commissioners only approve the planning "concepts" when a concept is presented; that doesn't mean the applicant has final approval to build a permanent structure until the final plat has been approved.

A discussion ensued between Engineer Brungardt and the Commissioners regarding the definition of "condominiums" and that they are already described and set forth in the Kansas Statutes. Those definitions can be incorporated by reference into the City's regulations for condominiums. Discussion continued on the Statute's definition and regulations.

Motion by Commissioner Krudwig to recommend the condominium language as submitted for approval; second by Kroeger.

Roll Call:	Walker	Yes	Hemphill	Yes
	Honomichl	Yes	Kroeger	Yes
	Krudwig	Yes	Crumbaker	Absent
	Templin	Absent		

Motion carried.

Commissioners praised Planner Bohnsack for her good work on the condominium regulations.

Chairman Honomichl called a five-minute break at 9:07 p.m.

Chairman Honomichl reconvened the Commission at 9:12 p.m.

7. New Business:

- A. Discuss certain aspects of the newly adopted Uptown De Soto Overlay District Regulations. Discussion by Commissioners and Planner Bohnsack regarding the TND language under "Purpose." Planner Bohnsack and Commissioners discussed the definitions under paragraph B. Setbacks (Section 6.) and the proposed revisions provided by Planner Bohnsack. Chairman Honomichl said he feels the language on the issue of the side yard setback was discussed at length and there remains a need to be able to interpret the language consistently.

Commissioner Kroeger discussed the "0" lot line setbacks. Staff comments. Commissioner Krudwig and Commissioner Kroeger discussed the "0" lot line setbacks for commercial development. Discussion ensued between Commissioners regarding the "0" lot line setbacks, and the commercial and residential setbacks. Engineer Brungardt and Commissioners discussed the 10 feet set back on the side yard. Commissioner Kroeger discussed the side wall definition. Chairman Honomichl suggested a sketch be included in paragraph 6.B. (3) a to show the intent of the language. Discussion by Commissioner Hemphill for the side yard set back restriction shall be a minimum of 5 feet for building side wall heights up to 12 feet 0 inches high, plus one foot for every 10 feet of sidewall height measured in whole foot increments of side yard setback. Staff will provide a chart within this regulation.

Commissioners discussed the side wall height as reflected on page 7 of the staff report. Commissioner Hemphill suggested measuring from the bottom of fascia board to the grade.

Planner Bohnsack discussed the landscaping regulations for the Overlay district and provided comments for discussion by Commissioners. Commissioner Kroeger suggested a percentage be used. Staff commented on current regulations. Commissioner Kroeger and staff discussed some type of buffering in commercial property abutting residential and minimal side yard setbacks. Discussion to include language to the effect that landscaping is required which meets a standard of landscape points. The Planning Commission may grant a reduction up to 70%.

Commissioners and Planner Bohnsack discussed the signage language for the Uptown Overlay. No changes were discussed.

Planner Bohnsack stated some of the Overlay District definitions conflict with those in the existing zoning regulations. Discussion among Commissioners on the multiple dwellings and the definitions applying only to the Overlay District.

The Commissioners and Planner Bohnsack discussed the parking guidelines.

- B. Discuss existing regulations concerning the location of small accessory buildings. (This item was moved forward to item 5. D.)

8. Staff Advisory Reports:

City Engineer: No report.

City Planner:

- Minutes in e-mail format and written Minutes will continue in packets.
- New pages for Zoning Regulations were given to Commissioners.
- Jo Co Parks Master Plan Public Meeting on Monday, June 2nd.
- Renew PC Journal – Commissioners approved renewal.

9. Calendar:

- A. June 4th – Special Planning Commission meeting at 7:00 p.m.

- B. *June 5th* - City Council - Tentative Planning agenda items include:
- C. *June 19th* - City Council - Tentative Planning agenda items include:
- Consider amending the Future Land Use Map of the Comprehensive Plan for the 95th Street Corridor.
 - Consider amending the Zoning Regulations for banner signs
 - Consider amending the Zoning Map for 9345 Lexington Avenue
- D. *June 24th - Planning Commission – Tentative agenda items include:*
- Possible amendment of the “UDO” District regulations
 - Consider amendment of Procedures Manual for “UDO” application review
 - Possible amendment of Supplementary Regulations for accessory buildings
- E. *Upcoming Business*
- Preliminary Plat and Rezoning for De Soto Ridge.

Chairman Honomichl called for the election of officers with Mike Kroeger as Chair, John Krudwig as Vice-Chair, and Lana McPherson as Secretary.

Motion by Commissioner Walker to elect the slate of officers; second by Hemphill;

All Commissioners approved by “ayes”.

Motion carried.

Motion by Commissioner Walker to adjourn the meeting at 10:39 p.m.; second by Kroeger.

All Commissioners approved by “ayes”.

Motion carried.

Respectfully submitted:

Lana R. McPherson, MMC
City Clerk