

**CITY OF DE SOTO  
PLANNING COMMISSION**

City Hall, 32905 W. 84<sup>th</sup> Street  
July 24, 2007 – 7:00 P.M.

**MINUTES**

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

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

3. General Business:

A. Approve Planning Commission Agenda. Overview by Chairman Honomichl.

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

All Commissioners approved by “ayes”.

Motion carried.

(Commissioner Hemphill arrived at 7:04 p.m.)

B. Approve Minutes of the June 26, 2007, Commission meeting.

Motion by Commissioner Moberly to approve the Minutes as written; second by Kroeger.

All Commissioners approved by “ayes”.

Motion carried.

C. Disclosure of conflicts of interest. None disclosed.

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.

5. Public Hearing:

William McMoran, 9560 Kill Creek Road, asked about the K-10 corridor and the property to be discussed tonight for the rezoning. Chairman Honomichl said this will be discussed during the Public Hearing comments.

- A. Consider zoning change request from RUR – “Rural” to C-2 – “Business-General District” for 61 acres of property at the Northwest corner of Kill Creek Road and 95<sup>th</sup> Street.

Chairman Honomichl introduced Mrs. Linda Bohnsack, the new City Planner, who came on staff last week. Chairman Honomichl requested review of the staff report. Engineer Brungardt displayed the staff report for the audience. This application is a request for a change to the County’s zoning designation. Planner Bohnsack and Engineer Brungardt reviewed the Golden factors to be considered.

Planner Bohnsack reviewed the character of the neighborhood and said this is a rural setting. The application involves two adjacent tracts located adjacent to and west of Kill Creek Road between K-10 Highway and 95<sup>th</sup> Street. The exposure of the site to passing motorists makes it desirable for retail development. The finding as to the character of the existing neighborhood is neutral, neither in favor of nor in opposition to granting the application.

The Compatibility of the proposed zoning was reviewed, and in general, the uses allowed within the C-2 zoning district would not be consistent with the existing uses of nearby properties. The finding relating to the compatibility of the proposed district with nearby properties is therefore negative, not in favor of granting the application.

The Suitability of the uses to which the property has been restricted under its existing zoning was discussed. The finding relating to the suitability of the uses to which the property is restricted under its existing zoning is positive, in favor of granting the application.

The finding relating to the length of time the property has remained vacant as zoned is positive, in favor of granting the application.

The finding relating to the need for the proposed uses is positive, in favor of granting the application.

Engineer Brungardt discussed the Sanitary Sewers as proposed for in the future of the City’s Comprehensive Plan. The interchange of Kill Creek and K-10 is shown with future sewers; however, the City currently has no plans to implement any of the extensions indicated in the plan. Because there is currently no sewer service to this property, it appears that rezoning the parcel from RUR to C-2 at this time may be premature. Comments by the Commissioners and Engineer Brungardt.

Engineer Brungardt further discussed the Public Water Supply as outlined in the staff report. It is the opinion of Mr. Crumbaker of the Johnson County Rural Water District #6 that RWD #6 has adequate water supply in this area to support the proposed zoning change to C-2.

Engineer Brungardt discussed the Floodplain and storm sewer runoff. The finding regarding the public utilities and services to the area is neutral, neither in favor of nor against granting the application.

Engineer Brungardt discussed the road network and the impact of K-10. The City’s Comprehensive Plan incorporates the KDOT 2005 K-10 Transportation Study as it relates to the promotion of a bicycle-pedestrian path adjacent to the right-of-way.

The finding relating to the road network is therefore positive, in favor of granting the application.

The environmental impacts of a commercial development on this parcel were studied. There will need to be a storm water detention pond. The finding relating to environmental impacts is positive, in favor of granting the application.

Planner Bohnsack discussed the economic impact on the community and stated the community would benefit from additional tax revenue. The finding is positive, in favor of granting the application.

Planner Bohnsack discussed the extent to which the zoning amendment may detrimentally affect nearby property. The staff report stated the potential for development and proposed future land use could increase the property values. The finding related to the zoning amendment is neutral.

She discussed the finding as to the relative gain to the public from a denial of the rezoning application as compared to the hardship imposed upon the rezoning applicant from such denial is therefore positive, in favor of granting the application.

Planner Bohnsack stated the finding relating to the consistency with the Comprehensive Plan is positive, in favor of granting the application. She discussed the conclusions and recommendations relating to the rezoning request.

Overall, the finding related to the recommendation of professional staff is positive, in favor of granting the application. Engineer Brungardt stated staff recommends the approval of the requested zoning change from 'RUR' to 'C-2'.

Commissioner Moberly asked for clarification from Engineer Brungardt regarding the previous CARNP plan that was adopted by the Board of County Commissioners in 1999. He discussed the intent of the County's arterial road network in the County. A discussion ensued among the Commissioners regarding the roadway network. Commissioner Hemphill said the County Commission is discussing this CARNP plan at this time. He said the County is just starting this plan now and has just received the funding to begin this plan. Commissioner Moberly stated this plan should not affect any rezoning at this time as there is no real direction at this time. Comments by Chairman Honomichl.

Commissioner Krudwig discussed Item B with Engineer Brungardt regarding the meeting with the owners. Engineer Brungardt stated he met with the owners in March, 2005, originally. Chairman Honomichl commented that sewers were looked at and Engineer Brungardt discussed the sewer mains around the subject property, and the sequence of how sewer systems may build out and the phasing structure. Comments by Planner Bohnsack regarding the development of the retail and or the commercial building on this subject property. Discussion by Commissioner Krudwig. Further discussion ensued by Commissioners.

Commissioner Kroeger discussed the RWD #6 and the connection to the City of Olathe. Engineer Brungardt said the City is currently in discussions with RWD #6 and the City of Olathe for a wholesale water line connection. Commissioner Kroeger commented on the road network being a "positive" finding. He said he sees that as a proposed benefit district in the future. Discussion by Engineer Brungardt that he

foresees substantial improvements to 95<sup>th</sup> Street. Discussion by Commissioners on the transportation network and the arterials of 95<sup>th</sup> Street and K-10.

Commissioner Krudwig discussed the comments on pages 13 and 15 and asked for clarification. Engineer Brungardt addressed his concerns.

The applicant, Ralph Lewis, said his family has owned the property since the 1960's. The parcel to the east is owned by Great Plains Development. He said he and the owner of the Great Plains property are hoping to proceed with some type of informal partnership in development of this property. Mr. Lewis highly complimented the City Staff in working with them on this application. Mr. Lewis said there has been a preliminary sewer plan done. He said there are many issues to be determined and he wants to get those issues brought out under a rezoning application so they can be worked out before a huge outlay of money. Mr. Lewis stated the "eye-opener" of this application was to find out that this property has been included in Sunflower's redevelopment plan. He said they want to get their zoning in ahead of whatever the Sunflower group has in mind.

Chairman Honomichl opened the public hearing for comment.

William McMoran, 9560 Kill Creek Road, stated his concern is that the developer wants to turn it into commercial, but they don't know what they want to put in there. His concern is what if a hotel goes in, what is going to happen to the water and the water pressure. Another concern is the increase of traffic flow during the past five years. What happens when this area is developed and who is going to pay for the development of the street? The residents have to wait now to get onto Kill Creek. He said he moved out here because De Soto was still a rural, country part of Johnson County. He said he doesn't want to look at the back of a hotel, or a commercial business with a lot of traffic to keep him up all night. He would like to see more of a plan before a rezoning application is approved. He feels this is "jumping the gun" when there is no development plan for the property.

Chairman Honomichl said this is not a planned zoning; this is an opportunity to put a zoning on this property. The next step would be a critical review of a site plan for any kind of proposal put forth. He commented on the criteria that would be reviewed in more detail when a site plan is brought in. The kinds of uses are based on the public input in the adoption of the Comprehensive Plan and the Future Land Use Plan. Mr. McMoran said he is opposed at this time because he doesn't know what is going to go on the property. Chairman Honomichl said this property is also labeled as a "gateway interchange" into the City. This location will be given particular attention and it is also a property in the "view shed" area of the Future Land Use Plan. Commercial activity requires a lot of economics to drive it.

Discussion ensued by Commissioner Hemphill with Mr. McMoran regarding the location of Mr. McMoran's property and the possible future valuation of the land.

Paige Huckabay, 32545 West 95<sup>th</sup> Street, said she has lived here for five years. She said her house is the closest to 95<sup>th</sup> Street. She asked about commercial use or other development and how is this going to affect her property value in future? Engineer Brungardt said the underlying argument is the fact that when the proposed property is developed, the infrastructure will be put in, and the property will increase in value as a potential commercial property. Mrs. Huckabay asked if the road will

take up part of her property should it have to be improved. Discussion by Engineer Brungardt that there is a possibility this could happen as right-of-way may need to be acquired. He stated that buffering is required between residential and commercial.

Comments by Commissioner Kroeger that buffering and access issues are discussed at the site plan level, and not at a rezoning. There is no development plan on file at the present time. Mrs. Huckabay discussed the potential detriments to her property should this property be developed commercially. Comments by Chairman Honomichl that it is reasonable to expect that there is a lot of westward growth in Johnson County. Discussion by Mrs. Huckabay and Chairman Honomichl on future activity in the area.

Teresa Randall McMoran, 9560 Kill Creek, stated she was notified by letter by the applicant. She asked if the City notifies property owners of public hearings. Engineer Brungardt said there is a state statute requiring the notification of surrounding property owners when a property is under consideration for rezoning. He said there is always a notice in the City newspaper regarding any rezoning applications and public hearings, and it is also posted on the City's website.

Mr. McMoran discussed the possibility of the County's development of the road network and how it will affect this subject property, as well as his own personal property. Chairman Honomichl discussed the potentials and the "pie in the sky" long-range planning on the CARNP network as well as Sunflower Redevelopment.

Mr. Lewis, the applicant, stated the only telephone call he received in response to the letters, was from the "Simpson's" Civil Engineer. The Simpson property is now a rental property and he said they are interested in discussions.

Chairman Honomichl closed the public hearing and asked for Commissioner's comments. Commissioner Krudwig asked about the City-County alignment of 95<sup>th</sup> Street, and are there any considerations or issues that should be discussed. Chairman Honomichl said the City has extra-territorial planning rights up to three miles. The City's plan was submitted to Dean Palos, at Johnson County Planning, to be considered in the County's development plan. The County, at this time, has no interest in accepting the City's plan. Further discussion by Engineer Brungardt that there is no mechanism for the City to consult the request for this rezoning application.

Discussion by Commissioner Kroeger and Engineer Brungardt on the maintenance of 95<sup>th</sup> Street. This particular section of 95<sup>th</sup> Street is maintained by the City. Discussion between Commissioner Krudwig and Engineer Brungardt on a benefit district for this area.

Chairman Honomichl said he is excited about the proposal and the interest shown for De Soto. Given this is consistent with the Comprehensive Plan, he feels this is a "natural" for this type of application. Commissioner Friday agreed. Discussion by Commissioner Moberly.

Motion by Commissioner Kroeger to recommend approval for the requested zoning change request from RUR-Rural to C-2 – Business-General District for 61 acres of property at the Northwest corner of Kill Creek Road and 95<sup>th</sup> Street; second by Moberly.

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

Motion carried.

Engineer Brungardt stated this application will go forward to the City Council on August 16, 2007.

6. Old Business: None.

7. New Business:

- A. Consider Final Plat of 'Engineered Air South Building', a 3.4-acre single lot plat located at 32050 West 83<sup>rd</sup> Street. Engineer Brungardt said the plat does have a unique feature in that the applicant is dedicating a 15-foot utility easement along the south line, and a "sidewalk easement" that is to contain the proposed 8-foot concrete sidewalk along 83<sup>rd</sup> Street. Discussion by Commissioners and Engineer Brungardt on the utility easement and the applicant has filed a request with the City for a vacation. This vacation can only be done by the City Council, after a public hearing to be held on August 16, 2007.

Discussion ensued between Chairman Honomichl and Engineer Brungardt on the vacation of easements on this property. Comments by Commissioner Moberly on the applicant agreeing to install the 83<sup>rd</sup> Street turn lane improvements.

Motion by Commissioner Moberly to recommend approval of the Final Plat of 'Engineered Air South Building', a 3.4-acre single lot plat located at 32050 West 83<sup>rd</sup> Street, with the stipulations included in the staff report, Agenda Item 7 a.; second by Friday.

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

Motion carried.

- B. Discuss Cul-de-sac regulations. Chairman Honomichl asked Engineer Brungardt to comment on the staff report dated July 19<sup>th</sup>, relating to the discussions by the Planning Commissioners and staff. The issue is a question of how the two cul-de-sacs are allowed to connect. If it is the desire of the Planning Commission to disallow the connection of one cul-de-sac to the bulb of another, language should be added to the current text specifying this. Engineer Brungardt provided some examples from other cities regarding the extensions of cul-de-sacs. Staff requests the Planning Commission's direction relating to a potential text amendment for cul-de-sacs.

Discussion by Commissioner Friday on the language being "bullet-proof" in allowing one cul-de-sac from venturing off into another. He does not see the benefit in adding additional language to confuse the matter further. Discussion

between Commissioner Friday and Engineer Brungardt. Commissioners discussed the language context and definition. Commissioner Friday said the emergency ingress and egress is the factor. Chairman Honomichl said he agrees with Commissioner Friday on the current language being proper. He discussed the examples provided by Engineer Brungardt.

Comments by Planner Bohnsack on the language pertaining to the current language. Further discussion regarding the “bulb” of the cul-de-sac language.

Commissioner Friday asked about the example with the “eyebrow” plan. Engineer Brungardt said he didn’t have the comments from the other community regarding the “no eyebrow” cul-de-sac example. Comments by Commissioner Krudwig and Planner Bohnsack.

Commissioner Friday said the “one lot” length is one criteria of the determining language. The Commissioners agreed the language will stand as written, and that the proper application of the existing language will ensure that no single cul-de-sac exceeds 500 feet in length, whether there is a mid-block turn-around bulb or not.

Chairman Honomichl said he is a big fan of interconnected streets as they make for better use of transportation enhancements.

- C. Discuss annual review of Comprehensive Plan. Chairman Honomichl said the Commissioners are required to annually review the Comp Plan. Engineer Brungardt discussed the “list” of items that has been mentioned in the past. The Gateways around key intersections in the City could be reviewed. The owners of two properties at the northeast corner of 83<sup>rd</sup> and Gardner Road have requested the City review the Future Land Use designation for approximately 20 acres.

Commissioner Hemphill said he would like to take a look at the 95<sup>th</sup> Street corridor area from Kill Creek to Lexington. He said this street is open to two good interchanges to the K-10 business loop. It offers an opportunity for a frontage plan in the Future Land Use Plan. Chairman Honomichl said he would like to review the downtown Master Plan and look at adopting it into the Comprehensive Plan.

Engineer Brungardt said the City has retained RDG – Marty Shukert to review the zoning regulations in the downtown area. Mr. Shukert will be providing his comments to the City Council in the near future. Engineer Brungardt suggested talking with Mr. Shukert and requesting he incorporate some items into his plan presentation to the City.

Discussions by Chairman Honomichl and Engineer Brungardt regarding the sewer plan and the water study plan. Engineer Brungardt said the water service area needs to be reviewed as there are ongoing discussions with RWD #6 and service areas. Chairman Honomichl said all the maps need to be brought up to the current date.

Chairman Honomichl asked if there are any other uses that should be looked at. Commissioner Moberly asked about the Hunt-Midwest Quarry and the

redevelopment plan for that site, which would impact the City's development activity.

Chairman Honomichl and Engineer Brungardt discussed the design guidelines in the context of the Comprehensive Plan. The current Comp Plan is dated February, 2004. There are some updates to the plan.

Comments by Commissioners on the Sunflower Redevelopment Group. Commissioner Krudwig discussed the potential downtown revitalization plan.

Chairman Honomichl said he has had some discussions with Mayor Anderson regarding some of the committees that have been utilized on some projects. He said there has not been good follow-through and communication with the people involved. There may be some changes forthcoming as new projects come forward.

Planner Bohnsack asked if the Commissioners received the Planning Commissioners' Journal. She also discussed the forthcoming conference.

Commissioner Krudwig said he noticed in the Comprehensive Plan that all the pages are dated. He asked if the pages in the Regulations and Ordinances could also be dated. Discussion by Engineer Brungardt that this will be looked into.

## 8. Calendar:

- A. *August 2<sup>nd</sup>, 2007 - City Council* - Tentative Planning agenda items include:
  - 1. Final Plat for Engineered Air South Building
- B. *August 16<sup>th</sup>, 2007 - City Council* - Tentative Planning agenda items include:
  - 1. C-2 rezoning of 61 acres at the northwest corner of 95<sup>th</sup> Street and Kill Creek Road.
- C. *August 28<sup>th</sup>, 2007 - Planning Commission* – Tentative agenda items include:
  - 1. Public Hearing for Cul-De-Sac regulations text amendment
  - 2. Comprehensive Plan review
  - 3. Arbor Ridge Final Development Plan for Phase II
  - 4. Final Plat for Snowy Acres
  - 5. Discussion on Septic System Regulations
  - 6. Planning Commission officer elections

Motion by Commissioner Moberly to adjourn at 9:32 p.m.; second by Krudwig.

All Commissioners approved by "ayes".

Respectfully submitted:

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Lana R. McPherson, MMC  
City Clerk