

**CITY OF DE SOTO**  
**PLANNING COMMISSION**  
City Hall, 32905 W. 84<sup>th</sup> Street  
August 23, 2005 – 7:00 P.M.

**MINUTES**

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

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

3. General Business:

A. Approve Planning Commission agenda.

Motion by Commissioner Kroeger to approve the Agenda; second by Templin.

All Commissioners approved by “ayes”.

B. Approve minutes from the July 26, 2005 Planning Commission meeting.

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

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

Motion carried.

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.

Mike Drennon, 8660 Timber Trails Drive, De Soto, and Dustin Baker, 5862 Meadowlark Drive, Shawnee, KS 66226, thanked the Commissioners for listening to their request. They provided the Commissioners a letter in their packets regarding a self-storage facility to be located in De Soto. In reviewing the NAICS and SIC system, this type of use is defined differently by each code system. They are requesting the City review the NAICS view of “self-storage usage” as a lessor of real estate versus the clumping together this use with public warehousing as the SIC code does.

Mr. Drennon said they are proposing to build very up-scale storage units that are climate controlled and gated. Discussion by Chairman Honomichl and Mr. Baker on what they wish to accomplish with a change and the zoning necessary for self-storage units. Chairman Honomichl stated a change could take at least 120 days to be reviewed by the Planning Commission and then public hearings must be held before the changes can be sent on to the Council for final approval.

Chairman Honomichl stated he believes there are two separate issues contained in the request by Mr. Baker and Mr. Drennon. Discussion by Commissioner Templin that there are several issues that will need to be discussed and this could create a time sensitive matter for this particular request. Mr. Baker said he feels the location of the subject property could be discussed. Chairman Honomichl cautioned that revealing the location of the subject property does not and will not constitute any determination by the Commission. Further discussion by the Commissioners and Chairman Honomichl on the possibility of rezoning this particular piece of property as opposed to a text amendment. Commissioners stated a text amendment could take several months for final approval.

Commissioner Kroeger said there are other ways to go with this particular zoning. Chairman Honomichl discussed 'P-D' Planned Development zoning for this property because it will be a mix of uses, including self storage and retail. Discussion by Commissioner Hemphill on mini-storage unit facilities.

Comments by Mr. Baker and Mr. Drennon on how the Commissioners will be reviewing the text amendments in the future regarding SIC coding. Chairman Honomichl suggested the P-D Zoning use could be an avenue for this request.

#### 5. New Business:

- A. Discuss text amendment to Zoning Regulations Appendix A: Permitted Uses by District.

Kim Gordanier, Planning Coordinator, prepared a memo to the Commissioners and stated the current Appendix A are based on the SIC Code, created in 1987. A more recent classification system, the NAICS, is now favored over the SIC Code and was created in 1998. The NAICS contains twice as many base classifications and many more subcategories. Staff is looking for a starting point in reviewing the classifications and making determinations on unique cases.

Commissioner Templin stated planned zoning requires a plan for basically everything, and this doesn't put staff in a box. Discussion by City Engineer Mike Brungardt on what happens when a use changes and staff has to make a determination on the new use. Discussion by Chairman Honomichl that communities are wanting more flexibility in interpreting the gray areas of the SIC Code.

Commissioner Hemphill stated he prefers the flexibility of the plan; however, it will make more work for staff. Commissioner Krudwig stated that although flexibility could help, it could also open up precedents being set and leaves a lot of interpretation and discussion. Commissioner Moberly stated someone has put much thought into the NAICS coding.

Planning Coordinator Gordanier stated the NAICS has been broken down into more sub-categories and uses. Discussion by Commissioner Moberly that he would like to see the two compared in a draft format. Commissioner Kroeger stated the description piece is not a part of the table, and this could be a part of the comprehensive plan in future zoning. He has no problem with going to NAICS. Commissioner Templin stated he thinks there are two issues and the issue that has been dealt with before is that, within the categories that we currently have, the descriptions may not fit in with what the situation is. However, do we want to go through the planned zoning and staying strictly with that. He doesn't want to see the City move toward planned development in every use. He feels that the property owner should have the opportunity to use their property without having to be

forced into a planned development community. He feels making the City a planned development community, in his opinion, will slow down development in the City. Discussion by Chairman Honomichl that he thinks there is some real merit in the planned part because you can mix uses and not be tied down to a rigid table and code system. He feels there is opportunity to provide planned development. Discussion by Commissioner Templin that being forced to use planned development will be detrimental to the City.

Commissioners agreed that they would like to include uses by zone and work these into the current zoning uses. Discussion by Gordanier and Chairman Honomichl. Commissioner Templin asked staff their opinions on the code system and how other cities make the determination and administer the code. Discussion by Commissioner Kroeger and Chairman Honomichl on relying on staff's assessment of the code system decisions. Discussion by Commissioner Krudwig. Discussion by City Engineer Brungardt.

Commissioner Templin stated the City needs to continue with the chart form instead of the more generic lists of uses in the zoning district regulations. He wants to ensure that the boxes are correctly checked and reviewed against all other areas of the Zoning Regulations. Discussion regarding the more current NAICS coding system. Commissioner Hemphill stated the Building Code is very explicit.

Commissioners directed staff to provide a draft amendment to Appendix A incorporating the NAICS land use codes.

B. Discuss text amendment to Subdivision Regulations Section 6.10 regarding sidewalk installation requirements. Planning Coordinator Gordanier provided Commissioners with a memo in response to a Council direction to the Commission. The Council voted to change the condition recommended by the Planning Commission. Staff recommends the Commission give direction to the City Attorney to draft a text amendment based upon their discussion. City Attorney Reavey provided comments which Ms. Gordanier read to the Commissioners. Discussion by Planning Coordinator Gordanier and City Engineer Brungardt with the Commissioners on the present City regulations on Variances, Exceptions, and Waiver of Conditions in the Subdivision Regulations. Mr. Reavey's proposed language will help define the intent.

Discussion by Commissioner Templin and City Engineer Brungardt on what the Council's intent is on the sidewalk issue. Chairman Honomichl stated he feels the five-year review is a good compromise. Commissioner Moberly stated he doesn't like the idea of forcing someone to put in a sidewalk five years from now even if it still goes nowhere. The intent is to review the regulations in five years. Staff discussion on payment in lieu of sidewalk construction. Commissioner discussion on the benefit district idea being the best way to deal with the installation of sidewalks. Commissioner Kroeger likes the benefit district idea because it allows the Commissioners to do something at a future date. Discussion on when standards change, the property owners will have to comply with the standards at that time.

Chairman Honomichl stated the Council is requesting a policy in which to act consistently on future sidewalk construction. Discussion by Commissioner Krudwig on setting a minimum criteria for sidewalk construction. Commissioner discussion on when a benefit district can be implemented when a sidewalk is necessary. Commissioner Templin stated criteria needs to be established for a policy. Commissioner discussion on sidewalks in certain zones. Discussion by Planning Coordinator Gordanier in tying sidewalks into areas that are served by City sewer. A benefit district is a good tool to use once the threshold has been established. Chairman Honomichl discussed a district-type approach for determining where sidewalks will be constructed. Commissioner discussion. Staff will also

work on a draft for a deferral process for sidewalk construction.

6. Old Business:

A. Reconsider revisions to Procedures Manual Articles 1 through 8. Chairman Honomichl stated City Attorney Reavey’s memo to the Commissioners is self-explanatory regarding the City’s Code of Ethics concerning a conflict of interest. Discussion by Commissioners. Discussion by Commissioner Templin on the City’s Code of Ethics. Commissioner discussion on the definition of the “financial interest” as stated in the Code.

Commissioner Moberly and Commissioner Kroeger expressed concerns about having to leave the room if it isn’t a financial conflict of interest.

Commissioner Hemphill discussed a site plan review meeting he attended. His concerns were expressed about building two feet from the adjoining property line, and if fire-rated walls are required this close to adjoining property. If the Commissioners see items like this, what are commissioners supposed to comment on. City Engineer Brungardt stated he has talked to the building official regarding Commissioner’s Hemphill’s concern on this specific project. He did not talk with City Attorney Reavey regarding these concerns. Discussion by Chairman Honomichl that staff should be made aware of these concerns. A discussion ensued regarding site plan commentary by Commissioners.

Commissioner Kroeger stated he discussed paragraph 5 of the Code of Conduct with Mr. Reavey. Commissioner Kroeger feels paragraph 5 should be stricken. Commissioner discussion on the language. Discussion by Planning Coordinator Gordanier. Discussion by Commissioner Kroeger on interpretation of this paragraph’s language. Commissioners agreed this paragraph should be stricken totally. Staff will provide the revised text amendment for the Council to consider.

Motion by Commissioner Templin to strike Paragraph 5 of Article 4 and to recommend to the City Council approval of the revised Procedures Manual with this change; second by Kroeger.

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

Motion carried.

B. Discuss and prioritize upcoming Planning Commission business.

Planning Coordinator Gordanier stated the joint workshop with the Council produced a prioritized list of objectives. The water and parks master plans were discussed. The Economic Development incentives were discussed. The plan is to come back with a workshop in September to discuss the West De Soto Area Plan. The transportation master plan was not budgeted for in 2006.

Council recently requested a review of the sign regulations as they have not been reviewed for a while. Discussion centered on the prohibition of pole signs. City Engineer Brungardt discussed the comments made by Council members regarding the sign regulations and the non-conforming pole signs.

Planning Coordinator Gordanier stated that Patrick Reavey recommends the Board

of Zoning Appeals requirements be reviewed and updated to meet state statute.

Chairman Honomichl discussed the lighting regulations and Ms. Gordanier stated these regulations have been revised. Chairman Honomichl asked about the non-public access and internal streets requiring curb and gutters within a campus-type site.

Commissioner discussion on items to be discussed in future.

7. Calendar:

- A. September 1, 2005 - City Council
- B. September 15, 2005 - City Council
- C. September 27, 2005 - Planning Commission

Motion by Commissioner Kroeger to adjourn at 9:23 p.m.; second by Moberly.

All Commissioners approved by "ayes".

Respectfully submitted:

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Lana R. McPherson, CMC, City Clerk