

**CITY OF DE SOTO  
PLANNING COMMISSION**

City Hall, 32905 W. 84<sup>th</sup> Street  
September 27, 2005 – 7:00 P.M.

**MINUTES**

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

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

3. General Business:

A. Approve Planning Commission agenda. Discussion by Chairman Honomichl.

Motion by Krudwig; second by Kroeger.

All Commissioners approved by “ayes”.

B. Approve minutes from the August 23, 2005 Planning Commission meeting.

Motion by Kroeger to approve the Minutes; second by Krudwig.

All Commissioners approved by “ayes”. Commissioner Friday abstained.

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. Old Business:

A. Consider revision to the Preliminary Plat for Cherokee Woods. Chairman Honomichl discussed the extension that was given to the applicant. The applicant’s attorney sent a letter to the Commissioners dated September 27, 2005, withdrawing the preliminary plat application. Staff has recommended the Planning Commission deny the Preliminary Plat exhausting the validity period for the 2004 approval. Discussion by City Engineer Brungardt that the checklist items have not been complied with. Brungardt has talked with City Attorney Reavey and the staff recommendation is to deny the Preliminary Plat.

Chairman Honomichl asked Mr. Archie Bedford for his comments. Mr. Bedford, 34250 W. 84<sup>th</sup> Terrace, stated that this is not just a Cherokee Woods matter. He has a concern regarding the silt and erosion onto his property. Mr. Bedford stated he is aware of the City’s attempt to develop the Primrose Street; however, his concern is that a lot of building material has been dumped at the

end of the Primrose extension. This is causing silt to run off into his pond, as no fencing has been installed to stop the erosion. He feels his appeals to the City have fallen on deaf ears. Discussion with Mr. Brungardt on silt retention requirements being one (1) acre. Discussion with Chairman Honomichl, City Engineer Brungardt and Mr. Bedford on the dumping of materials being inspected by the City Building Inspector. Mr. Bedford again stated there is no silt fencing to stop the runoff and erosion onto his property. He is requesting the City look into the erosion problem. Staff will monitor the problem.

Motion by Commissioner Kroeger to deny the Preliminary Plat; second by Friday.

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

Motion carried.

- B. Discuss text amendment to various Articles of the Zoning and Subdivision Regulations pertaining to sidewalk installation requirements. Chairman Honomichl requested Planning Coordinator Kim Gordanier to review the Council's request for the amendment requirements. She stated Staff has prepared maps illustrating the areas within five hundred, one and two thousand feet of existing sidewalks and City sewer service.

(The record reflects Commissioner Templin arrived at 7:12 p.m.)

Planning Coordinator Gordanier discussed the regulations she obtained from the City of Olathe. Discussion on the maps and the buffered areas. Planning Coordinator Gordanier stated, in her opinion, it would be better to define the areas where the sanitary sewers are located, as this would define the urbanized areas of the City. She feels the 1,000 feet radius of the sanitary sewer could be a guide. Discussion by City Engineer Brungardt that he agrees with Planning Coordinator Gordanier on the sewer guidelines. Discussion by Brungardt for direction on handling the sidewalk escrow account or a tracking mechanism if funds are paid in for future sidewalk construction. This method could become overly burdensome on City staff in tracking funds for future use.

Another criteria that could be looked at would be the road standards, such as an urban standard road could require a sidewalk. Discussion by Chairman Honomichl on arterial sidewalks and commercial applications. Commissioner Friday stated he would prefer to require sidewalks as a road standard rather than as a sanitary sewer location. Another discussion could be held regarding the maintenance of the sidewalks. Commissioner Kroeger stated there will always be some variation that will come into play. His concern is that not all of the streets are improved as to what they will be in the future. Discussion by Engineer Brungardt. Commissioner Kroeger said he is looking more with the sanitary sewer location, but that will also need constant updating.

Commissioner Krudwig discussed the sidewalk to nowhere in areas where no other existing sidewalk exists. Discussion that current cost for sidewalk installation is about \$8.00 per square foot, including grading. His question is how many areas would be affected by the sidewalk regulation. Discussion by Planning Coordinator Gordanier and Engineer Brungardt that this criteria needs

to be descriptive. Commissioner Templin stated he is not a fan of sidewalks to nowhere. He likes the idea of tying it to the current sidewalk maps, and sidewalks should tie into something. He isn't in favor of paying funds into an escrow account for future sidewalk construction. Commissioner discussion.

Discussion by Engineer Brungardt on the maintenance of the sidewalks. Commissioner Templin stated the idea of a benefit district could afford some leverage when the time comes to connect to another sidewalk. Discussion by Commissioner Friday. Discussion by Commissioner Kroeger. Chairman Honomichl stated he believes it is relevant to the surrounding uses. Discussion by Commissioner Templin and Engineer Brungardt on a benefit district being the mechanism to construct a sidewalk. Discussion by Commissioner Templin and Commissioner Krudwig on street improvements and sidewalk construction.

Chairman Honomichl discussed using the 2,000 feet buffer for sidewalk construction, and identifying the road core as the basic criteria. Such as south of 95<sup>th</sup> Street on Lexington Avenue, east of Lexington Avenue on 95<sup>th</sup> Street, Kill Creek Road south of K-10, and 83<sup>rd</sup> Street east of Waverly. Discussion by Commissioner Templin and Chairman Honomichl on examples of residential development along arterial roadways. Commissioner Krudwig stated in the residential properties, the sidewalks should begin to be connected.

Chairman Honomichl and Commissioner Templin discussed the potential development along 89<sup>th</sup> Street, and future requirements for constructing sidewalks. Discussion on the sanitary sewer future expansion being overlaid with the future sidewalk expansion. The corridors will need to be defined. Commissioner Templin stated he believes the Planning Commission should have the discretion in whether or not to require sidewalks in an area. Discussion by Commissioners regarding defining the mechanism for sidewalks.

Discussion by Commissioner Templin on the zoning for commercial or business areas and urban service areas. Discussion by Engineer Brungardt on the definition of the urban service areas. Chairman Honomichl asked when the defined corridors should be reviewed. Discussion regarding Kill Creek Road and 95<sup>th</sup> Street between Kill Creek and Corliss Road. If a road is improved to urban standards, that would be the first criteria. The second criteria would be tied to the 2,000 feet buffer of existing sidewalks. Commissioner discussion on using the sewer map of the City as it is the one updated regularly.

Commissioners discussed the mechanism of using a benefit district with the improvement of the roadway to an urban standard designation. Discussion by Engineer Brungardt concerning the benefit district regulations. Discussion by Commissioner Krudwig on transportation enhancements. A discussion ensued on benefit districts and roadway improvements triggering sidewalk construction in the designated corridors. Discussion on collector streets and sidewalks.

Commissioner Templin commended Planning Coordinator Gordanier, as did Chairman Honomichl, for her work on this project criteria.

- C. Discuss text amendment to Zoning Regulations Appendix A: Permitted Uses by District. Chairman Honomichl asked Planning Coordinator Gordanier to review the steps she took to arrive at the recommendation. Gordanier discussed the revisions and stated it is very important to review the online NAICS codes and titles as they are described in detail. Gordanier discussed the new category

permissions and the hazardous industry listing. In reviewing the City's current Appendix A, she reviewed line item by line item with the online NAICS codes.

Gordanier reviewed the changes and descriptions that are in the new table. She further discussed the inconsistency in the C-1 District for allowing residential use on the second story in the C-1 District by a special use permit process. Commissioner Templin discussed the daycare homes and daycare providers with Planning Coordinator Gordanier.

Discussion by Commissioner Templin on mobile homes in residential areas. Planning Coordinator Gordanier stated mobile homes would not be allowed under the new revisions. City Engineer Brungardt stated that mobile home parks are allowed. Commissioners discussed mobile homes and apartments.

Discussion by Chairman Honomichl and Commissioners on the revisions to the Appendix A. Gordanier made clarifications on Appendix A changes. Discussion by Brungardt. Commissioner Templin asked for a language clarification on the table of uses as an "ease of use" for the reader; however, the City Code will prevail. Discussion on putting an adoption date on the Appendix. Commissioner Krudwig discussed the home-based occupation code with Engineer Brungardt. This revision will be a public hearing item in October.

Commissioners thanked Planning Coordinator Gordanier for her outstanding work on this Appendix revision.

## 6. New Business:

- A. Discuss permitting outdoor seating in 'C-1' Central Business district. Chairman Honomichl asked Planning Coordinator Gordanier to review the request from the "Coffee Click", as stated in her staff report to the Planning Commission dated September 24, 2005. She outlined the four (4) restrictions for the Commissioners consideration. Gordanier provided Commissioners with some examples from other cities regarding outdoor dining.

Chairman Honomichl asked if this could be accomplished by a special use permit so that if the area changes, then the City could determine the time limit. In using the City's property, the business could be granted a permit for the outdoor dining in the 'C-1' district. Discussion on the affect to the adjoining property owners.

Discussion by Commissioner Templin on the outside seating. Commissioner Krudwig and Commissioner Templin stated this would be obtrusive to others in using the sidewalk. Commissioner Friday said he is in favor of the outdoor dining. Commissioner Kroeger said he is in favor of the outdoor dining. His concern is that the deck is constructed of quality materials. Commissioner discussion on the requirement of the time frame for a renewal of the permit. A discussion ensued regarding the discoloration of the sidewalk when the deck would be removed, trash accumulation under the decking, and potential fire risk of the building materials. Discussion that the sidewalk could be damaged in the construction of the deck and supports.

Chairman Honomichl asked if there should be a Petition for a Temporary Use of Right-of-Way and a designated time for removal of the deck. There would have to be a building permit issued for the construction of a deck.

Commissioner Krudwig suggested a building plan and materials list should be required. Commissioner Templin suggested a one-year term of use. After discussion, Commissioners agreed that two years would be the term length.

- B. Discuss amendments to Article 9 of the Procedures Manual and Article 12 of the Zoning Regulations pertaining to powers and jurisdiction of the Board of Zoning Appeals. Chairman Honomichl discussed the memorandum provided by City Attorney Patrick Reavey regarding the powers of the Board of Zoning Appeals. Chairman Honomichl stated he has concerns with items 1 and 3 of the conditions, especially the "unnecessary hardship" language. Discussion that these are the two that are the hardest. Chairman Honomichl feels these revisions are too broad.

Commissioner Templin stated items 2, 4, and 5 are the balance. Discussion. Commissioner Friday stated he has always viewed items 1 and 3 as the objective view, and these are guidance to the Commissioners, not to the applicant. This will be a public hearing item in October.

- 7. Calendar: Chairman Honomichl discussed the meeting items coming up in October.

- A. October 6, 2005 - City Council
- B. October 11, 2005 – Site Plan Review
- C. October 18, 2005 – Board of Zoning Appeals
- D. October 20, 2005 - City Council
- E. October 25, 2005 - Planning Commission

Commissioner Kroeger will be out of town and unable to attend the Site Plan Review. Commissioner Krudwig will attend. Planning Coordinator Gordanier will contact other Commissioners.

Planning Coordinator Gordanier provided an update on the West Area Land Use Plan. She stated this is a slow process presently. Gordanier will meet with Lisa Briscoe in the next month to discuss the plan. She is hoping to be ready for a Planning Commission workshop in November, and would like to have a work session with Commissioners for input in the design of the plan.

Commissioner comments. A discussion ensued regarding the Planning Conference that was attended by Planning Coordinator Gordanier. Chairman Honomichl also discussed the session that he attended regarding enhancements in communities.

Motion by Commissioner Kroeger to adjourn at 9:03 p.m.; second by Friday.

Respectfully submitted:

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Lana R. McPherson, CMC  
City Clerk