

**CITY OF DE SOTO
PLANNING COMMISSION**

City Hall, 32905 W. 84th Street
September 28, 2004 – 7:00 P.M.

MINUTES

1. The meeting was called to order at 7:03 p.m. by Chairman Honomichl.

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|---------------|-----------|---------|---------|---------|
| 2. Roll Call: | Moberly | Present | Pannell | Absent |
| | Lavenburg | Absent | Templin | Present |
| | Honomichl | Present | Friday | Present |
| | Canaan | Absent | | |

3. General Business:

A. Approve Planning Commission agenda.

Motion by Commissioner Moberly to accept the agenda; second by Friday.
All Commission approved by “ayes”.

B. Approve minutes from the Planning Commission meeting of August 24, 2004.

Motion by Commissioner Moberly to accept the minutes as written; second by Friday. All Commission approved by “ayes”.

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. New Business:

A. Discuss amendment(s) to the Zoning and Subdivision Regulations pertaining to stream buffer regulations.

City Engineer Mike Brungardt noted that this item is on the Commission’s laundry list of matters to tackle. Adopting stream buffer regulations would be in keeping with the efforts of Johnson County and several other surrounding communities. Advantages to having such buffers include erosion control, runoff filtration, and protection from flooding events. Other cities soon to pass similar regulations following Johnson County’s adoption process include Gardner, Spring Hill, and Olathe.

Lisa Briscoe, Planning Consultant with Patti, Banks, and Associates, stated that their firm
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has partnered with the County to do research and formulate the ordinance. Briscoe presented a slide show her firm prepared for the County. Three-tiered buffers totaling approximately 100-feet would separate the waterway itself from development. The process begins with a thorough survey and analysis of available resources. The levels of stream degradation are assessed, as well as land uses and community needs. Following a community involvement process, the buffers are overlaid onto a map and receive protection by ordinance with the map illustrating these protected areas.

Vice Chairman Friday asked if stream degradation is the sole result of human intervention with the natural environment. Briscoe responded that the majority is, though there are natural reasons for degradation. Commissioner Moberly agreed that streams have a lifespan and in many cases it is a natural process. Chairman Honomichl said that stream regulations were adopted into the flood mitigation plan. Brungardt said that the flood mitigation plan analogous to the Comprehensive Plan, but only gave horizontal setbacks in relation to flood mitigation and would not prohibit development in these areas. Commissioner Templin said that he recalled that the ordinance did prohibit development within a certain proximity to a floodway.

Briscoe said the next logical step is to assess what regulations are in place that are enforceable and what resources there are to protect. Other staff members at her firm that are experienced with these regulations will help. The County did do some assessment of Kill Creek within the city limits. Briscoe said she will talk to staff at her office about how to proceed and bring this back to the Commission.

- B. Discuss amendment(s) to Article 5 of the Subdivision Regulations pertaining to criteria used in approving lot splits.

Brungardt stated that this item is not on the Commission's list, but it warrants attention in his opinion. Lot splits are handled administratively, and staff has limited criteria to base their decisions upon. There is potential for these lot splits to work against the policies in the Comprehensive Plan, particularly the future land use map. Staff should be looking for compliance with these documents before approving lot splits. He is speaking specifically about areas east of town and north of K-10 Highway. There are a scattering of subdivisions, most of which contain 2 to 5-acre tracts. Lot splits would be even more contrary to the Comprehensive Plan in the urban service area south of K-10 Highway. Brungardt continued that he understands that there will soon be results from the sewer master plan study, but this should be addressed in the interim.

Templin asked why would the City focus on limiting these with the lot split application and not the building permit? He would prefer that residents be able to split their lot, but not be able to build on it in these circumstances. Brungardt stated that if an owner doesn't intend to build on a parcel after it is split, he could split the property with the County Register of Deeds. Honomichl replied that he is uncomfortable for these lot splits to happen without any regard to the Comprehensive Plan. Templin said that the County allows homes on 2-acre lots. Restricting lot splits would discourage any future growth to the east and south within city limits.

Toni Caldwell, 8412 Corliss Rd., stated from the audience that she doesn't want to be restricted on the east side of town. She thinks this should be handled with building permits. Brungardt noted that the area in question is to be 5-acres per lot according to the

Comprehensive Plan. Lot splits would slowly work to increase the density of the area. Of the thirteen lot splits approved in the past three years, all but possibly three would have been approved considering the Plan. Moberly said he would hate to blindside an owner who purchased a lot and then could not build on it. The Commission agreed that this may be best handled at the building permit level and directed staff to look into approaching the matter this way and bring it back for discussion.

6. Old Business:

- A. Consider amendment(s) to Article 10 of the Zoning Regulations pertaining to telecommunications towers.

Honomichl said the text amendment was returned with a slight revision, and he was a little confused as to what the Council's changes were. Brungardt replied that the Council didn't want to permit any tower designs other than monopoles. Honomichl said this removes all consideration for alternatives, such as mounting a hidden antennae on a church steeple. New technologies come out all the time, and have the potential to be much more appropriate or attractive. Honomichl noted that a hidden antennae may fit under some of the camouflaging criteria.

Motion by Commissioner Templin to make the changes and recommend approval to the Council; second by Moberly.

Friday noted that the ANSI standards listed may be incorrect. Brungardt said he will check into this.

Motion by Commissioner Templin modified to recommend approval to City Council with the suggested changes, and if there is some correction to the language needed direct staff to correct this; second by Moberly.

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| Roll Call: | Canaan | Absent | Pannell | Absent |
| | Lavenburg | Absent | Friday | Yes |
| | Templin | Yes | Moberly | Yes |
| | Honomichl | Yes | | |

Motion carried.

- B. Discuss amendment(s) to the Zoning Regulations and Procedures Manual pertaining to the rights vested in site plan approvals. – TABLED UNTIL OCTOBER 26TH, 2004

Brungardt stated that City Attorney Patrick Reavey has been doing research over several months as to the legality of a possible ordinance. There is no sunset date now for site plan application approvals, though the City may impose current regulations on older site plans. Most communities use 18 or 24-month sunset dates on approvals. Most also allow for the Governing Body to extend this time frame as needed. Reavey has determined that state statutes address only single-family residential site plans. He would like feedback before bringing the matter with exact language prepared next month.

Templin stated that he favored this sunset timeline and possibility for extension. The

Commission agreed, and voiced that a period of 18 to 24-months seemed appropriate. Moberly asked about developments that will have been approved before this ordinance is enacted. Brungardt replied that Reavey is looking into this, and has suggested giving these property owners notice of the time period beginning.

- C. Consider amendment(s) to Article 11 of the Zoning Regulations pertaining to site plan review applicability. – TABLED UNTIL OCTOBER 26TH, 2004

Motion by Commissioner Moberly to adjourn at 8:25 p.m.
All Commission approved by “ayes”.

Respectfully submitted:

Kim Gordanier
Planning Coordinator