

AGENDA

City Hall is open, and individuals can attend in-person. However, we are continuing to offer participation in a virtual format.

Members of the public who wish to observe the meeting can do so via the City's YouTube channel at <https://www.youtube.com/user/DeSotoKansas/live>.

Members of the public who wish to participate during the meeting may join the video conference at <https://www.gotomeet.me/DeSotoKS>

1. Call to Order

2. Roll Call:

3. General Business:

- A. Approve Planning Commission Agenda.
- B. Approve Minutes of the Planning Commission meeting held on December 21st, 2021.
- C. Disclosure of conflicts of interest.
- D. Disclosure of outside communications regarding Commission business.

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:

- A. Consider text amendment to allow restaurant sales in the M1 zoning district

6. Old Business:

7. New Business:

- A: Discuss updating regulations for large box distribution building standards.

8. Calendar:

- A. February 3rd, 2022, City Council 7:00 PM.
- B. February 17th, 2022, City Council 7:00 PM.
- C. **February 22nd, 2022, Planning Commission**

Meeting Minutes

1. **Call to Order;** Chairman Bob Garrett called the meeting to order to 6:00 pm.

2. **Roll Call:**

Roll Call:	Manson	Present	Milburn	Present
	Garrett	Present	Shultz	Present
	Templin	Present	Fisher	Present
	Lane	Present		

All are Present

3. **General Business:**

A. Approve Planning Commission Agenda.

Motion by Commissioner Millburn to approve the agenda for December 21, 2021, Planning Commission Agenda; Second by Fisher.

Roll Call:	Manson	Yea	Milburn	Yea
	Garrett	Yea	Shultz	Yea
	Templin	Yea	Fisher	Yea
	Lane	Yea		

Motion Carries

B. Approve Minutes of the Planning Commission meeting held on November 23rd, 2021.

Motion by Fisher; to approve the meeting minutes from November 23rd. Second by Shultz.

Roll Call:	Manson	Yea	Milburn	Yea
	Garrett	Yea	Shultz	Yea
	Templin	Abstained	Fisher	Yea
	Lane	Yea		

Motion Carries

C. Disclosure of conflicts of interest.

Seeing none, the chair moved on to the next item.

D. Disclosure of outside communications regarding Commission business.

Seeing none, the chair moved on to the next item.

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 discussion is for information purposes only. No action will be taken. There is a four-minute time limit.

Seeing no one, the chair moved to the next item.

5. Public Hearing:

A. Consider re-zoning 371 acres to M-1 at 103rd and Edgerton Road

Mr. Brad Weisenburger led on this item. He explained that on November 18th, 2021, the De Soto City Council approved the annexation of more than 6,370 acres of property including 371 acres at 103rd and Edgerton Road, also known as the Gabriel Property. He explained that by state statute any property that enters the city with county zoning must be rezoned to a City of De Soto zoning category. He concluded that the contract purchasers of the property have applied for rezoning to M-1.

Mr. Hunter Harris of Flint Development gave a brief presentation on the rezoning request. He outlined the history of the firm, its current and past projects, and the fundamentals of the proposed development.

Chairman Bob Garrett opened the public hearing at 6:57 pm.

Speaker#	Name	Address	Topic
1.	Rosemary Male	37265 W. 95th Street, De Soto	Discussed the plan and proposed tax incentives for the development. She discussed the vendors that have worked with the developers and the meeting minutes from December 2nd. She also discussed the De Soto code of ethics.
2.	Craig Connell	39905 w. 103rd Street, Eudora	Discussed the deed on the Sunflower property and the impact on property values for nearby property owners.
3.	Shane Lamb	37660 W. 95th Street, De Soto	Discussed the land development near Gabriel and the EDC's involvement with the transaction. He advocated that the Gabriel property be turned into a residential neighborhood.
4.	Chris Connell	39705 W. 103rd Street, Eudora	Discussed the rezoning of the property and the timeline of the rezoning.
5.	Bruce Rienke	9050 Edgerton Rd, Eudora	Discussed the need for public input on the development.

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|-----|-----------------|---|---|
| 6. | Victoria Haller | 9885 Edgerton Road, De Soto | Discussed the trees near the property. |
| 7. | Melissa Noel | 10175 Edgerton Road, De Soto | Discussed the screening and buffering and zoning for the Gabriele project. |
| 8. | Sam Male | 37265 W. 95th Street | Discussed the zoning of the property and how it was developed. He discussed environmental studies. He discussed possible tax incentives for the proposed development. |
| 9. | Holly Barth | 37070 W. 75th street, De Soto | Discussed how water and sewer developments will be financed. |
| 10. | Trevor Barth | 37070 W.95th Street, De Soto | Discussed traffic that could be produced within the proposed development. |
| 11. | Sara Ritter | 30994 w. 98 th Street, De Soto | Discussed the organizational structure of the De Soto chamber of commerce. She also discussed the environmental study conducted on the property. |

The chair closed the budget hearing at 7:57 pm.

Chairman Garrett discussed the role of the planning commission in the rezoning.

Commissioner Milburn asked about the site plans for the development.

Mike Brungardt laid out the approval process of the rezoning for council

Mr. Hunter Harris explained the timeline for the completion of the proposed project. He outlined that a site plan would be submitted tentatively in the first half of 2022.

Commissioner Templin outlined the history of the property.

Motion by Commissioner Templin to recommend the approval to re-zoning 371 acres to M-1 at 103rd and Edgerton Road; Second by Commissioner Lane.

Roll Call:	Manson	No	Milburn	Yes
	Garrett	No	Shultz	No
	Templin	Yea	Fisher	No
	Lane	Yea		

Motion is defeated 3-4.

Commissioner Manson recommended the denial of rezoning of 371 acres to M-1 at 103rd and Edgerton Road; Second by Commissioner Fisher.

Roll Call:	Manson	Yea	Milburn	No
	Garrett	Yea	Shultz	Yea
	Templin	No	Fisher	Yea
	Lane	No		

Motion Carries 4-3.

6. Old Business

A. Discuss Solar regulations in the M-1 zoning District.

Mr. Brad Weisenburger led on this item. he explained that on Monday, December 6th, city staff and the mayor met with Savion Energy. Savion is a solar energy development firm in Kansas City that has completed multiple solar farms throughout the country. Based on the discussion, a solar energy development is at best 5 years away. This is due to numerous regulatory hurdles. He outlined the current regulations and timelines at the local and state levels.

7. New Business:

A. Discuss text amendment allowing limited restaurant sales in the M-1 zoning district

Mr. Brad Weisenburger led on this item. He announced that a request has been made by Joe Bisogno, owner of Goodscents to have restaurant sales in the M- 1 zoning district. He explained that the restaurant would be delivery only. After reviewing De Soto's zoning code of allowable Food Services, he found it rather inconsistent. He mentioned the newly annexed land and the potential to allow food service in that area.

The Commission discussed the proposed changes. Mr. Weisenburger announced that staff will come back with recommendations at the January 2022 Planning Commission Meeting.

B. Consider Final Re-Plat for Corridor 10 Commerce Park

Mr. Brad Weisenburger led on this item. He explained the need for the re-plat and the transfer of the 92nd Terrance right of way transfer.

Motion by Milburn; to approve the Re-Plat for Corridor 10 Commerce Park; second by Commissioner Fisher.

Roll Call:	Manson	Yea	Milburn	Yea
	Garrett	Yea	Shultz	Yea
	Templin	Yea	Fisher	Yea
	Lane	Yea		

Motion Carries

8. Calendar:

January 6th, 2022, City Council 7:00 PM.

January 20th, 2022, City Council 7:00 PM.

January 25th, 2022, Planning Commission

9. Adjournment

Commissioner Manson moved to adjourn. Second by Commissioner Fisher. The motion was unanimously approved, and the meeting was adjourned at 8:57 pm.

Respectfully Submitted,

Brandon Mills
Brandon Mills, MPA, City Clerk

ITEM:	Public Hearing to allow restaurant sales with a special use permit in the M1- Light Industrial zoning district and NAICS code revisions
MEETING DATE:	December 21st, 2021
TO:	City of De Soto Planning Commission
FROM:	Brad Weisenburger
CC:	City Staff via Electronic Packet Distribution
EXHIBITS:	Permitted Uses by Zoning District

Summary: A request has been made by Joe Bisogno owner of Mr. Goodscents to have restaurant sales in the M-1 zoning district. Upon review De Soto’s zoning code of allowable Food Services it is rather inconsistent. Additionally, considering the large annexation of the Sunflower Property which will most likely be predominantly M-1 it could be beneficial to allow limited food sales in this district. De Soto’s zoning chart references the NAICS 7221 and 7222 category which no longer exist as a specific land use/business category. Finally, Johnson County has changed the regulations regarding Food Service with greater than 50% of alcohol sales. This stipulation no longer exists. Therefore, category 722410 should be modified to show the current regulations.

Analysis: Included in the staff report is the current De Soto NAICS table with allowable uses in all our zoning categories. Catering services, food trucks and Food with alcohol establishments with less than the 50% of sales are allowed by special use permit in M-1. City staff is proposing to simplify this section of the code by allowing food service/restaurant sales in the C1, C2 and M1 districts under NAICS code 7225 and eliminating 7221 and 7222 and 7224 categories.

722511 - Full-Service Restaurants

This U.S. industry comprises establishments primarily engaged in providing food services to patrons who order and are served while. These establishments may provide this type of food service to patrons in combination with selling alcoholic beverages, providing carryout services, or presenting live nontheatrical entertainment.

- Examples:
- Diners, full service
 - Bagel / Doughnut Shops
 - Family Restaurants
 - Fine Dining
 - Pizza Parlors
 - Steak Houses
 - Restaurants, full services

722513 - Limited-Service Restaurants

This U.S. industry comprises establishments primarily engaged in providing food services (except snack and nonalcoholic beverage bars) where patrons generally order or select items and pay before eating. Food and drink may be consumed on premises, taken out, or delivered to the customer's location. Some establishments in this industry may provide these food services in combination with selling alcoholic beverages.

Examples:

- Delicatessen restaurants
- Pizza delivery shops
- Family restaurants, limited-service
- Takeout eating places
- Fast-food restaurants
- Fast casual restaurants
- Takeout sandwich shops
- Limited-service pizza parlors

CURRENT

NAICS USE DESCRIPTION		ZONING DISTRICTS												
		R A	R 0	R 1	R 1a	R 2	R 2A	R 3	R H	C 1	C 2	O I	M 1	M 2
72 ACCOMODATIONS, FOOD SERVICES														
7211	Traveler Accommodation (exc casino hotels)		S							S	P			
72110	Hotels and Motels									S	P			
721191	Bed and Breakfast Inns	S	S	S	S	S	S	S	S	S				
7212	Recreational Vehicle Parks and Camps										S		S	
721214	Recreational Camp or Retreat	S												
7213	Rooming and Boarding Houses							S	S	S				
7221	Food Services and Drinking Places									S	S			
7222	Drive-Through Food Service (Limited Service)										P			
7223	Special Food Services, Caterers									P	P	P	P	
722330	Mobile Food Services	P	P	P	P	P	P	P	P	P	P	P	P	P
7224	Drinking Places (Alcoholic Beverages)									S	S			
722410	Food Service - Alcohol or Malt Beverage Sales < 50% of Total Sales									P	P	S	S	



PROPOSED

NAICS USE DESCRIPTION		ZONING DISTRICTS												
		R A	R 0	R 1	R 1a	R 2	R 2A	R 3	R H	C 1	C 2	O I	M 1	M 2
72 ACCOMODATIONS, FOOD SERVICES														
7211	Traveler Accommodation (exc casino hotels)		S							S	P			
72110	Hotels and Motels									S	P			
721191	Bed and Breakfast Inns	S	S	S	S	S	S	S	S	S				
7212	Recreational Vehicle Parks and Camps										S		S	
721214	Recreational Camp or Retreat	S												
7213	Rooming and Boarding Houses							S	S	S				
7221	Food Services and Drinking Places									S	S			
7222	Drive-Through Food Service (Limited Service)										P			
7223	Special Food Services, Caterers									P	P	P	P	
722330	Mobile Food Services	P	P	P	P	P	P	P	P	P	P	P	P	P
7224	Drinking Places (Alcoholic Beverages)									S	S			
722410	Food Service - Alcohol or Malt Beverage Sales < 50% of Total Sales									P	P	S	S	
722511	Restaurants and other eating places									P	P		S	
722513	Limited Service Restaurants									P	P		S	

Conclusion – Based upon discussion at the December 21st planning commission meeting a consensus was reached that food services are appropriate in the M1 zoning district with a site plan submitted with the special use permit application. Additionally, updating the table relating to “Accommodations, Food Services” should be revised as indicated.

If this is meets the planning commissions intent please make a motion to: “Allow restaurants and limited service restaurants in the M1 zoning district with a special use permit with a site plan and to revise the “Accommodations , Food Services” table in the city code.

ITEM:	Discuss updating architectural regulations within the De Soto City Code
DATE:	1-25-2022
TO:	City of De Soto Planning Commission
FROM:	Brad Weisenburger, Planning and Capital Projects Director
CC:	City Staff via Electronic Packet Distribution

Summary: De Soto architectural standards were adopted well before the need for the large distribution buildings that are very prevalent today. Some of the buildings being constructed today are up to 1,000,000 SF (2,000' x 500'). Staff would like to discuss potential improvements to architectural standards that are more representative modern tilt-up construction standards. Below are the current applicable standards in the De Soto city code.

Architectural design should create visual interest through the use of different textures, complementary colors, shadow lines and contrasting shapes. The use of walls in a single color, with little detailing or completely blank, is strongly discouraged.

J. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest.

K. The rhythm of structural mass to voids, such as windows and glass doors, of a front facade should relate to the rhythms established in adjacent buildings.

L. Loading docks, trash enclosures, outdoor storage and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are reduced to as great an extent as possible and are out of view from adjacent properties and public street. (See current trash enclosure requirements.)

- (1.) Exterior refuse will be kept in an enclosed area large enough to contain a week of refuse and be contained in a refuse bin equipped with a lid.
- (2.) The enclosure shall be a minimum of 12 feet wide to allow access for the truck picking up the refuse bin. The depth of the enclosure should be the depth of the refuse bin being used plus an additional 4 feet to allow for the mechanical dumping of the refuse bin. The enclosure shall have a minimum height of 5 feet.
- (3.) The floor of the enclosure shall be reinforced concrete with a minimum thickness of 4" with #4 reinforcing at 24" each direction.

- (4.) There shall be a 12' x 12' concrete pad in front of the enclosure. This pad should be a minimum depth of 8" and have 5/8" reinforcing rods every 24", in each direction, and have a test strength of 4,000psi.
- (5.) The number and location of the refuse bins shall be located on the site plans prior to approval and the capacity of each refuse bin shall be noted on the plans.

M. Building facades that are 100 feet or greater in length shall incorporate recesses and projections along at least 20 percent of the length of the building façade. Windows, awnings, and arcades must total at least 60 percent of the façade length abutting any public street.

N. Overly-long horizontal facades should be articulated with variations in the building plane and parapet height, materials and colors, entrance canopies, and landscaping. Parking lots along the façade can also relieve horizontally through the use of landscaped fingers and islands containing trees and shrubs.

O. The use of unusual shapes, color and other characteristics that cause new buildings to call excessive attention to themselves and create disharmony shall not be allowed. Long expanses of overhead doors should be relieved by matching their color to the wall or trim, recessing the doors, or adding architectural details to diminish the dominance of the doors.

P. Minimum Exterior Building Material Standards:

- (1.) For "C-1", "C-2", "O-1", "M-1" and "M-2", a minimum of 30% of the street façade shall consist of one or more of the materials listed below. For "R-3", a minimum of 75% of each exterior wall shall consist of one or more of the materials listed below:
 - (a) Masonry: Masonry construction shall include all masonry construction which is composed of solid cavity faced or veneered-wall construction, or similar materials.
 - (i) Some material used for masonry construction may consist of granite, sandstone, slate, limestone, marble, or other hard and durable all-weather stone. Ashlar, cut stone, and dimensioned stone construction techniques are acceptable.
 - (ii) Brick material used for masonry construction shall be composed of hard fire (kiln fired) all-weather common brick or other all-weather facing brick.
 - (b) Stucco or approved gypsum concrete/plaster materials, dryvit, shall be used with other masonry and architectural accents.
 - (c) Glass Walls: Glass walls shall include glass curtain walls or glass block construction. A glass curtain wall shall be defined as an exterior wall that carries no floor or roof loads and which may consist of a combination of metal, glass, and other surfacing material supported in a metal framework.
 - (d) Wood other than exposed plywood paneling shall not be more than 25% of total exterior wall.
- (2.) Corrugated metal facades should be complemented with the use of masonry, whether brick, stone, stucco, or split-face block, especially along perimeter streets.

- (3.) The following materials shall be prohibited on all exterior walls:
 - (a) Concrete finish or precast concrete panel (tilt wall) that is not exposed aggregate, hammered, sandblasted or covered with a cement-based acrylic coating.
 - (b) Metal panels with a depth of less than one inch or a thickness less than U.S. Standard 26 gauge, unless otherwise excepted by the Planning Commission.
 - (c) Vinyl siding other than Georgia Pacific or ALCO siding with a thickness of .042” or greater, or equal quality siding as approved by the Planning Commission.
- (4.) Screening and buffering: See Landscaping and Buffering in the Supplementary District Regulations.

- 1) Building facades that are 100 feet or greater in length shall incorporate recesses and projections along at least 20 percent of the length of the building façade. Windows, awnings, and arcades must total at least 60 percent of the façade length abutting any public street.
- 2) For “C-1”, “C-2”, “O-I”, “M-1” and “M-2”, a minimum of 30% of the street façade shall consist of one or more of the materials listed below.
 - (a) Masonry: Masonry construction shall include all masonry construction which is composed of solid cavity faced or veneered-wall construction, or similar materials.
 - (i) Some material used for masonry construction may consist of granite, sandstone, slate, limestone, marble, or other hard and durable all-weather stone. Ashlar, cut stone, and dimensioned stone construction techniques are acceptable.
 - (ii) Brick material used for masonry construction shall be composed of hard fire (kiln fired) all-weather common brick or other all-weather facing brick.
 - (b) Stucco or approved gypsum concrete/plaster materials, dryvit, shall be used with other masonry and architectural accents.
 - (c) Glass Walls: Glass walls shall include glass curtain walls or glass block construction. A glass curtain wall shall be defined as an exterior wall that carries no floor or roof loads and which may consist of a combination of metal, glass, and other surfacing material supported in a metal framework.
 - (d) Wood other than exposed plywood paneling shall not be more than 25% of total exterior wall.

Staff will present additional information at the planning commission meeting for discussion purposes.

End of Memo

