

PLANNING COMMISSION MINUTES
CITY OF ROELAND PARK
4600 W 51st Street, Roeland Park, KS 66205
July 26, 2016, 7:00 P.M.

The Roeland Park Planning Commission met on July 26, 2016, in City Hall, 4600 West 51st Street.

Chair Mohart declared a quorum and called the meeting to order.

Present: Julie Mohart Mike Hickey Bill Ahrens Darren Nielsen
 Paula Gleason Kyle Rogler Mark Kohles

Staff: Jennifer Jones-Lacy, Assistant City Administrator
 City Attorney Shortlidge

I. Roll Call

Chair Mohart called the roll noting that all members were present.

II. MINUTES – June 21, 2016

MOTION: COMMISSIONER MOHART MOVED, SECONDED BY COMMISSIONER * TO APPROVE THE JUNE 21, 2016 PLANNING COMMISSION MEETING MINUTES. (MOTION PASSED 7-0)

III. PUBLIC HEARING

1. Special Use Permit for 4701 Mission Road

Commissioner Mohart opened the Public Hearing

Ms. Jones-Lacy provided an over of the requested special use permit for 4701 Mission Road. The permit application has been reviewed by the Redevelopment Committee. The property originally purchased by Flint Hills Holding demolished the buildings on the site and it has been used as parking for Taco Republic, a restaurant outside of Roeland Park. The City approved a temporary special use permit for this and also added deadlines and conditions that allow for 34 parking spaces until February 3, 2017, then that will be reduced to 12 spaces. The permit also requires that the building slabs be removed, the site re-graded and planted with grass.

Since that original SUP, the property has been sold. The new owners are requesting an additional six months of extended parking after which time they would remove the slabs, clean up the lot and seed it with grass. After the extension there would no longer be parking on the site with the exception of public parking spots along Mission Road and 47th Street.

The Redevelopment Committee has suggested the following:

- Extending the special use permit to April 1, 2017;
- Allow the full use of 34 spaces until April 1, 2017;
- All foundations, asphalt and debris must be removed from the site and the ground reseeded by grass by April 1st.
- The six parking spaces bordering County Line Road and 47th Street would remain in place without expiration.

City Staff has also made additional recommendations:

- Require general liability coverage of \$1,000,000 per occurrence, listing the City as an additional insured;
- Provide 30 days for demolition and removal of asphalt, foundations and debris and re-seeding by a deadline of May 1, 2017, for full site clean-up and repair.

City Attorney Shortlidge commented that by allowing parking until April 1 and a requirement to clean up and reseed the lot by April 1, the work must be completed on the same day, and concurred with staff's recommendation to allow for a May 1st deadline for the work to be completed.

Public Comment

Jeff Stehney (3002 West 47th Avenue, Kansas City, Kansas 66103) Mr. Stehney said the owner of Joe's Kansas City Barbecue and also a recent investor in Colby Capital, the new property owner at 4701 Mission. He said he felt it was in the best interest of the corridor to have some control or say over what business goes in at the site. He said his primary goal and also that of Tyler Oliver, the new owner, is to find a suitable restaurant tenant that is great for Roeland Park and also for the mix and style and nature of the restaurants in the area. He said it is important to keep it independent, unique and dynamic. They want to find a suitable tenant by year's end. He said the site has been an eyesore for over 20 years and has always remained that way. He added that turning it into a grass lot also does not generate revenue. He proposed leaving the slabs in place until they found a tenant, then removing them to allow for a freestanding restaurant building. Mr. Stehney made a personal commitment that they will dig a hole and put in a restaurant in 2017.

Darren Nielsen asked for and received Mr. Stehney's agreement to the recommendations made by both staff and the Redevelopment Committee.

James Curtright, Sr. (4749 Canterbury) Mr. Curtright said the corner has been a problem for 2½ years. He reported issues with parking in his yard and also on the length of time it took officers to respond. In the meantime, the man took a swing at him and made inappropriate comments towards a family member. He further expressed his frustration about the incidents at the site, access issues and said the lot looks trashy and said something needs to be done.

Tom Madigan. Mr. Madigan said he is tired of promises of projects being promised. Until something is built on the property, he recommended building a parking lot with lighting, installing a fountain and adding a sign that says, "Welcome to Roeland Park." He also recommended charging for parking so the City can make money. Mr. Madigan added that Commerce Bank pays the City for what their building would generate if constructed. The result of allowing the buildings to be torn down at 4701 Mission has only resulted in taxes being reduced to nothing.

Alan Harris. Mr. Harris said he owns a building at 4710 Mission Road. He said he was happy to see the demolition of the previous buildings and would like to see further improvements at the corner. He said he also understands the time and planning it takes to get the right person in there. Mr. Harris wants to see success for Roeland Park and encouraged the owner to clean up the lot. He is also looking forward to its redevelopment.

Commissioner Mohart closed the public hearing following comments.

Commissioner Kohles said he was interested in the maintenance side of the proposal if the SUP is approved.

Mr. Stehney said he is committed to the site and that he will be out there weekly performing maintenance, weeding, mowing and picking up trash. He said he has the same interest as everyone else as he is also a neighbor. He was willing to make that statement in writing.

Commissioner Hickey said he likes that Mr. Stehney is an investor and is providing input for plans at the site. Mr. Stehney recommended giving the owners until December 31st, and if they have not found something, then Mr. Stehney himself will arrange for a restaurant at the site.

The property owners want time from January to April 2017 to break ground. He also addressed the parking issues. A lot has been purchased to hopefully move Taco Republic parking away from the 47th & Mission property. Once it becomes a construction site there will be no room for any parking for Taco Republic. They also do not want to provide Taco Republic parking at the restaurant site and said that each business should be responsible for their own parking. Mr. Stehney also said the new parking lot would need to be in place before construction begins.

Mr. Stehney was asked about the relationship with Taco Republic and providing parking spaces for them and would that possibly interfere with moving forward with a restaurant construction. He said there is not enough money in the parking space option and that the real ticket is investing in a restaurant that can generate revenue and have the ability to stand on its own.

Commissioner Kohles said he was okay with the proposed deadlines and Mr. Stehney said he would welcome a timeline and would also come back to report to the Planning Commission to review the master plan, to outline their expectations, and to make sure they meet the needs and wants of Roeland Park.

Commissioner Hickey said the survey showed people would like to see a sit-down restaurant at the site. Mr. Stehney said they're looking to develop a concept that is friendly to the neighborhood and the current trend is fast casual dining.

Commissioner Kohles recommended that if citizens are having issues with parking on private property, they should contact their ward representative or City Council if they feel the police are not enforcing the no parking.

Ms. Jones-Lacy restated the proposed special use permit request to include the following:

- Extending the SUP to April 1, 2017
- Allow the use of the full 34 parking spaces until April 1, 2017
- After April 1st, the six parking spaces bordering County Line Road/47th Street would remain in place without expiring.
- Require general liability coverage in the amount of \$1,000,000 per occurrence listing the City as additional insured.
- If not breaking ground by for new restaurant by April 1, then will provide 30 days for demolition and removal of asphalt foundations and debris and reseeded by a deadline of May 1st, 2017, for full site clean-up and repair;
- Including an expiration date for allowance of parking after April 1st, or state that parking is allowed on Spots 8-13 facing Mission indefinitely.
- Include a weekly maintenance plan for the property to be submitted to City staff for approval.

MOTION: COMMISSIONER KOHLES MOVED AND COMMISSIONER ROGLER SECONDED TO APPROVE THE SPECIAL USE PERMIT UPON THE RECOMMENDATION OF THE REDEVELOPMENT COMMITTEE AS WELL AS THE ADDITIONAL STAFF RECOMMENDATIONS, INCLUDING THE MAINTENANCE STATEMENT DISCUSSED IN THE MEETING. (MOTION PASSED 7-0)

2. Amendment to Lot Split Code

Chair Mohart opened the Public Hearing on the Lot Split Exception Regulations in the Chapter 16 Code.

Ms. Jones-Lacy provided a staff report. This update would allow an exception to lot split regulations. The proposed exception would allow a lot split to be done without having to acquire a survey and also without re-platting. The changes will be made to Chapter 16, Section 1423, and provides an exception under the City Code that would allow a property to sell a portion of the lot to a neighbor. The current process requires re-platting, a survey and a public hearing before the Planning Commission. A simple lot plat split can be administratively and would not require a re-plat with the proposed exception.

An issue was raised by a homeowner who wants to purchase a portion of land from an adjacent neighbor to build an accessory building, but is prohibited without re-platting by code. By approving the exception to Chapter 16, it would allow for an easier process for both residential and commercial.

Item A. The existing language on the action sheet proposed by City Attorney Shortlidge and City Administrator Moody is, "A rule exception may be granted to facilitate conveyance of lands between two adjacent platted lots under the following circumstances: the sale is to an adjacent property owner; both lots in question are platted; legal descriptions of the resulting lots are prepared; no extension or relocation of public infrastructure is required; no easements are affected or required; the transaction does not create non-conforming lots or non-conforming site improvements. Application for such rule exceptions shall be requested [inaudible] provided by the City and shall not require re-platting. Rule exceptions shall be approved by the City Commission unless it finds that the approval will not be contrary to the public interest or unnecessary improvement to the City."

Public Comments:

Kevin Neer & Theresa Neer* 4759 Windsor. Mr. and Mrs. Neer addressed the Planning Commission stating they wish to remodel their home. They have an agreement with the adjacent property owner to purchase 15 feet of the property, but current City code said the land must be surveyed and re-platted which would double the price of the purchase of the land. They are not opposed to a survey, but the re-platting is cost prohibitive.

Commissioner Kohles said he appreciated them bringing their proposal to the Planning Commission and the information they provided. He did say that he was hesitant at first, but finds the proposed exception acceptable to encourage home improvements in the City by making the process easier and will also be a benefit to improve the housing stock in the City and, therefore, supports the proposal.

Commissioner Mohart closed the public hearing.

Commissioner * said a lot split procedure is generally considered to be a type of simple plat. He noted the language is very similar and consistent to what a lot of other cities already allow and something that Roeland Park should be doing.

Commissioner Gleason asked City Attorney Shortlidge of the filing requirements with the county for the re-platted property. Mr. Shortlidge said a legal description would be prepared, they would get a deed for the adjacent property owner and it would be filed of record.

City Administrator Moody recommended adding language to the code exception to specify that after the legal description is prepared that the deed shall be recorded upon approval.

City Attorney Shortlidge provided the recommended language to read, "Legal descriptions of the resulting lots are prepared and recorded with the Registrar of Deeds following approval by the City Council."

MOTION: COMMISSIONER KOHLES MOVED AND COMMISSIONER HICKEY TO RECOMMEND APPROVAL OF THE AMENDMENT TO SECTION 16-1423. (MOTION PASSED 7-0)

MOTION: COMMISSIONER KOHLES MOVED AND COMMISSIONER GLEASON SECONDED TO RESCIND THE PREVIOUS MOTION. (MOTION PASSED 7-0)

MOTION: COMMISSIONER KOHLES MOVED TO RECOMMEND APPROVAL OF THE AMENDMENTS TO SECTION 16-1423, INCLUDING THE EXPRESS LANGUAGE, "LEGAL DESCRIPTIONS OF THE RESULTING LOTS ARE PREPARED AND RECORDED WITH THE REGISTRAR OF DEEDS FOLLOWING APPROVAL BY THE CITY COUNCIL." (MOTION PASSED 7-0)

IV. NEW BUSINESS

1. Nomination of Representative and Back-Up Representative to the Redevelopment Committee

Ms. Jones-Lacy asked for a nomination for a representative and back-up member to the Redevelopment Committee. Commissioner Nielsen is currently serving on the Redevelopment Committee, but the code states there should be two Planning Commissioners. CMBR Rhoades and CMBR McNeil are the two Councilmembers currently serving on the committee, and CMBR Poppa is their back-up representative.

MOTION: COMMISSIONER MOHART MOVED AND COMMISSIONER GLEASON SECONDED TO RECOMMEND COMMISSIONER KYLE ROGLER AS PLANNING COMMISSION REPRESENTATIVE TO THE REDEVELOPMENT COMMITTEE; AND MARK KOHLES AS THE BACK-UP REPRESENTATIVE. (MOTION PASSED 7-0)

V. DISCUSSION ITEMS

1. Commerce Bank Zoning History

Ms. Jones-Lacy, City Administrator Moody and Commissioner Nielsen had a conversation regarding the history of the zoning of the property at the northwest corner of Johnson and Roe. The property was re-zoned in 2012 from single family to Mixed-Use Development (MXD). There have been questions as to why it was done in that fashion and additional information was provided in the packet for clarification. The designation was at that time recommended by staff because the comprehensive plan had already designated the property as MXD.

At an earlier Planning Commission meeting the stipulations they wanted to see on the property as part of the approval of the MXD designation were to include:

- Low-rise planting along the street side of Roe and Johnson Drive, Consider a distinctive feature at the site to enhance a presentation of the property;
- Adequate screening with landscaping for the property and the residents nearby;
- Reconsideration of ingress/egress on Roe Boulevard; review of directional lighting on neighboring properties;
- Split in-parking configuration;
- Parking in front of building to be moved away from the entry;
- Addition of the architectural wall feature;
- Addition of the aesthetic enhancements to the entryway; south movement entry to the east.

At that Planning Commission meeting, the change was approved 4-1.

Commissioner Gleason was on the Planning Commission at that time and said Commerce Bank has always wanted someone to share the site with them. The residents were fine with a low building that would not be open late at night, or that would have a lot of lighting or noise considerations.

Ms. Jones-Lacy said the configuration has changed and is scheduled to come before the Planning Commission on September 13 and staff will provide the appropriate public notification. She also provided several of the proposed illustrations. The design is similar, but the footprint is smaller and the placement of the building is slightly different from the original plan.

Ms. Jones-Lacy said City engineers reviewed the bank's request to do a left turn out of the site onto Roe, which has been approved.

City Administrator Moody said it is now a full access intersection, but you can only go right out on Johnson Drive as there is a raised median. You can still enter and exit from both directions off of Roe.

The zoning regulations will need to be amended to allow for the proposed micro hospital. City Administrator Moody said that with the mixed-use zoning you can establish what is specifically permitted on the property. In discussing the zoning options with the property owner, it was decided to remain an MXD property would be a more savory approach than rezoning the property to CP-2 as some of the uses allowed in that designation would raise the eyebrows of neighbors such as fast food and convenience stores, option under mixed use that are not currently permitted.

City Administrator Moody identified the proposed hospital as a Level 4 trauma center and that deal with lacerations, broken bones, and stabilizing of the patient, who would then be transported to a full facility. It is anticipated that this facility would be used more for people driving themselves and would not be transported in by ambulance.

Ms. Jones-Lacy said there is a requirement of notice to all neighbors within 200 feet of the property to be notified of the public hearing on September 13th. Staff will also place a sign at the property that there is a public hearing on this particular issue. They will also put a banner ad on the website and do a NotifyJoCo announcement.

The development attorney for Commerce Bank said they wanted to orchestrate a public meeting to answer any questions or objections prior to the public hearing. Ms. Jones-Lacy will also notify the Commissioners when Commerce Bank plans to hold this meeting.

Commissioner Nielsen everyone should be looking at what MXD means to Roeland Park and what are the characteristics that are most important to the Planning Commission and try to have that conversation.

VI. OTHER MATTERS BEFORE THE PLANNING COMMISSION/FUTURE ITEMS

1. Comprehensive Plan Discussions – Rosedale and Westwood Discussions

Ms. Jones-Lacy said that at the last Planning Commission meeting they talked about the annual review of comprehensive plan and discussion has been moved to the August meeting. She also said there is a coordinated effort by Kansas City, Kansas, specifically the Rosedale area, and the City of Westwood to coordinate their comprehensive plans centering on different districts such as the university/hospital districts at 39th Street and the 47th Street corridor.

2. Discussion on redevelopment process

VII. ADJOURNMENT

Commissioner Nielsen said he appreciated the process tonight with regards to the re-platting. Citizens have brought an issue before them and the Planning Commission was able to make the process better not just for this resident, but for the whole City. He added that anything they can do to help redevelop homes is always a good idea. He also appreciated staff's work on the issue.

MOTION: COMMISSIONER MOHART MOVED, SECONDED BY COMMISSIONER GLEASON, TO ADJOURN. (MOTION PASSES 7-0)

(Roeland Park Planning Commission Meeting Adjourned)

Scheduled Meeting Dates for 2016:

January 26	February 16	March 15	April 19	May 17	June 26
July 19	August 16	September 20	October 18	November 22	December 20