

PLANNING COMMISSION MEETING MINUTES
Tuesday, March 15, 2016 @ 7:00 p.m.

Members Present: Mark Yates, Sherri Neff, Lew Kasselmann, Merle Parks, Lloyd Mesmer and Dave Pierce

Members Absent: Craig Stephan and Jason Krone

Staff Present: Don Slone, AICP, CFM, Planning Director – Floodplain Manager

Chairman Parks called the meeting to order at 7:00 p.m. and asked for a roll call. Roll call listed above.

Chairman Parks introduced **Item No. 1: Approval of Minutes** and called for a motion to approve the minutes of the January 19, 2016 Planning Commission meeting. Commissioner Pierce made a motion to approve the minutes as written with a second from Commissioner Mesmer. Chairman Parks asked if there were any questions or comments about the minutes. Seeing none, he called for the vote. The minutes were approved by unanimous vote.

New Business:

Chairman Parks stated he has a conflict of interest on the Windridge Estates project as he represents Union Bank & Trust, property owners of record. Chairman Parks turned over the meeting to Vice-Chairman Pierce at 7:02 pm.

Vice-Chairman Pierce introduced **Item No. 2: Comprehensive Plan Change: BSCP-24: “Windridge Estates”** a request to amend the Future Land Use Map of the Comprehensive Plan to change the Land Use designation for 7.29 acres from a Commercial designation to a High-Density Residential designation. Requested by Donna Lilley, Hart Development Group for Gardner Capital under contract with Union Bank & Trust, property owners of record. This amendment is to support the change in zoning from C-2, General Business District to R-3, Multi-Family Residential District to allow for the construction of a 44 unit single-story townhouse development located at 13133 Canaan Center Drive. Vice-Chairman Pierce also stated the Planning Commission will be discussing both the Comprehensive Plan Change and Rezoning but will take separate votes on each item.

Vice-Chairman Pierce opened the public hearing at 7:04 p.m. and asked for Staff Presentation. The Planning Director presented the case with a Staff Recommendation to approve this item as listed in the Staff Report. He also stated the applicant is considering increasing the development to 88 units which is still well below the allowable number of units in the R-3, Multi-Family Residential District. The Planning Director also requested the applicant’s March 9, 2016 letter be entered into the record that stated acceptance of the conditions of approval of the Comprehensive Plan Change and Rezoning. That letter states the applicant agrees to all the conditions listed, but requests the public improvements for Lot 2 as shown on the Sketch Preliminary Plat which includes the roadway and utility extension for Canaan Center Drive west of 131 Street be constructed when Lot 2 is developed.

Vice-Chairman Pierce asked if the applicant would like to address the Planning Commission. **Donna Lilley, Hart Development Group** stated that she was in agreement with Staff’s recommendation and had nothing to add but would be glad to answer any questions from the Planning Commission.

Vice-Chairman Pierce asked if anyone in the audience had any questions or comments.

Jean Jacques, 115 N. 134th Street stated that she lives in the old Walker School and was just curious about the project. She asked if there were any pictures of how the units will look as she did receive the information from Mr. Slone that went to all the property owners within 200 feet. She also asked if Hart Development developed a project in St. Louis or in Park Place in Kansas City, Missouri. Donna Lilley stated that Hart Development did the project in St. Peters and would be glad to send her the pictures as well as the Windridge Estates plans.

Dennis Jacques, 115 N. 134th Street asked if all the applicants are purchasing the 10.38 acres or just the 7.29 acres for this development. Paul Barrett, Vice-President Union Bank & Trust stated that the applicants, Hart Development Group have a contract to purchase the entire 10.38 acres.

BC Kinsley, 13142 Riverview Avenue asked about the storm water detention as his pond receives a significant amount of silt and mud every time it rains any significant amount. The Planning Director stated that this development will utilize the detention pond adjacent to Canaan Center Drive and that should mitigate this issue. He did state that there were runoff problems from the Riverview Crossings project that was developed several years ago but has since been revegetated and has significantly reduced or eliminated any silt runoff. The Planning Director also stated that the natural drainage flows from south to north through his pond eventually into the Wolf Creek drainage basin.

Denise Garrett, Realtor stated that she was in attendance at the request of her client, Cheryl Nickolett, who owns the property that abuts the proposed development that is currently on the market.

Clodis Hunt, 13309 Riverview Avenue stated the City acquired property from him for the new street (Canaan Center Drive). He then asked when the new street would be constructed and who would build it. The Planning Director stated the street would most likely be constructed as development occurred.

Mike Ford, 13225 Riverview Avenue stated this development will cause additional traffic in his neighborhood and along the rear of his property once the new street is constructed. He asked if a Traffic Study was done for this development as he thinks it will add additional traffic to Riverview.

Dennis Jacques, 115 N. 134th Street asked about the dead end streets shown on the Site Plan. He stated that he has seen people drive over his property and go down the grass on the Canaan Center Drive right-of-way and thought that these dead end streets would allow others to access the back of his property from the proposed development. The Planning Director responded that the access points that look like dead end streets are to provide access to the City's property on the south end for a new elevated water tower that was donated to the City by KDOT. The property would eventually be fenced to prohibit access to Mr. Jacques' property.

Vice-Chairman Pierce asked if anyone else in the audience had any further questions or comments. Seeing none he closed the public hearing at 7:32 p.m. and asked for a motion. Commissioner Kasselmann made a motion to approve the Comprehensive Plan Change as recommended with a second from Commissioner Mesmer.

Vice-Chairman Pierce asked if the Planning Commission had any comments or questions. Seeing none, he asked the Planning Director if a Traffic Study was done or needed for this development. Mr. Slone stated that he did not believe a Traffic Study was needed since the street network would be completed with this development. If the street network was not to be completed, a Traffic Study would be required.

Vice-Chairman Pierce asked if there were any additional questions from the Planning Commission. Seeing none he called for the vote. Motion passed 5-0.

The Planning Director stated that he will forward this item to the Governing Body on April 11, 2016 with a Planning Commission recommendation of approval.

Vice-Chairman Pierce introduced **Item No. 3: Rezoning: BSZ-132: "Windridge Estates"** a request to rezone 7.29 acres from a C-2, General Business District classification to an R-3, Multi-Family Residential District classification. Requested by Donna Lilley, Hart Development Group for Gardner Capital under contract with Union Bank & Trust, property owners of record. This amendment is to change the zoning classification to allow for the construction of a 44 unit single story townhouse development located at 13133 Canaan Center Drive.

Vice-Chairman Pierce opened the public hearing at 7:37 p.m. and asked for Staff Presentation. The Planning Director presented the case with a Staff Recommendation to approve with the four (4) conditions listed in the Staff Report. Mr. Slone reiterated the applicants request to construct Canaan Center Drive west of 131st Street when Lot 2 is developed as shown on the Sketch Preliminary Plat. Mr. Slone also read the four (4) conditions of approval for the public's benefit. He also explained the "reversionary clause" listed under Condition No. 3.

Vice-Chairman Pierce asked if the applicant had any additional comments for the Planning Commission.

Donna Lilley, Hart Development Group stated that she was in agreement with the conditions as listed in the Staff Report and had nothing further to add but would be glad to answer any questions from the Planning Commission.

Vice-Chairman Pierce asked if anyone in the audience had any questions or comments.

Dennis Jacques, 115 N. 134th Street asked about how to kill this project. He stated he was not necessarily opposed to the project but wanted to know the process to object. The Planning Director explained the process under Kansas law that 20% of the noticed property owners could file a "Protest Petition" within 14 days after the Public Hearing. Mr. Jacques then asked what the steps were to have his property rezoned to commercial. Mr. Slone told him to stop by and visit and he would be glad to discuss the process but also stated that it would be very difficult to rezone his property to commercial as it is surrounded by very low density agricultural uses with the exception of the Loop Ramp.

Mike Ford, 13225 Riverview Avenue stated this development could cause property values to decline as he has seen apartment projects go into disrepair. The applicant, Donna Lilley stated that they get inspected annually by the state to ensure the property is maintained if the tax credits are approved for this development. Mr. Ford asked if this is a HUD or Section 8 project. Donna Lilley explained the process for tax credits and how they are approved. She also stated that this is an affordable housing project and not a HUD project.

Clodis Hunt, 13309 Riverview Avenue asked if these units within the proposed development are for sale or rent. Donna Lilley stated that they are rental units.

Vice-Chairman Pierce asked if anyone in the audience had any additional questions or comments. Seeing none he closed the public hearing at 7:52 p.m. and asked for a motion. Commissioner Mesmer made a motion to approve the Rezoning subject to the four (4) conditions listed with a second from Commissioner Yates.

Vice-Chairman Pierce asked if the Planning Commission had any comments or questions. Commissioner Mesmer explained that he had been on the Planning Commission and City Council for a number of years. He stated that it is time to develop this property as it will grow the tax base to help keep property taxes low. He then stated that if you do not grow, you will die as a community.

Vice-Chairman Pierce asked if there were any additional questions from the Planning Commission. Seeing none he called for the vote. Motion passed 5-0.

The Planning Director stated that he will forward this item to the Governing Body on April 11, 2016 with a Planning Commission recommendation of approval.

Chairman Parks returned to the meeting at 7:55 pm.

Chairman Parks introduced **Item No. 4: Special Use Permit: SUP-134: "AT&T Tower @ PMC Amphitheater"**, a request for a special use permit in order to install a temporary 84' Cell on Wheels (COW) for the 2016 concert season. Requested by Caroline Boyd, Telecom Realty Consultants, LLC for AT&T Mobility on behalf of New West Presentations under lease from the Board of County Commissioners, property owners of record. The property is zoned A-1, Agricultural District located at located at 633 N. 130th Street.

Chairman Parks opened the public hearing at 7:57 p.m. and asked for Staff Presentation. The Planning Director presented the case with a Staff Recommendation to approve subject to the six (6) listed conditions in the Staff Report. Mr. Slone read the conditions of approval for the public's benefit.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Caroline Boyd, Telecom Realty Consultants, LLC** stated that she was in agreement with the conditions as listed in the Staff Report. She stated that as of today they have a signed lease agreement with the Unified Government for the temporary cell on wheels. She stated that she would be glad to answer any questions from the Planning Commission.

Chairman Parks asked if anyone in the audience had any questions or comments. Seeing none he closed the public hearing at 8:07 p.m. and asked for a motion. Commissioner Kasselmann made a motion to approve the Special Use Permit subject to the six (6) listed conditions with a second from Commissioner Neff.

Chairman Parks asked if the Planning Commission had any comments or questions.

Vice-Chairman Pierce asked how the tower was elevated and if it would remain elevated for the duration or would it be lowered after each event.

Caroline Boyd stated it will be elevated and will remain elevated until it was time to remove the tower.

Chairman Parks asked if there were any additional questions or comments from the Planning Commission. Seeing none he called for the vote. Motion passed 6-0.

The Planning Director stated that he will forward this item to the Governing Body on April 11, 2016 with a Planning Commission recommendation of approval.

Chairman Parks introduced **Item No. 5: Site/Landscape Plan: ST-16-100, "Canaan Center Lots 7 & 8"** a request by Scott Mosburg, Mosburg and Associates, property owners of record. The Site/Landscape Plan is being submitted in order to construct additional parking on Lot 8 to replace the parking removed for the 25' x 36' building addition to the El Potro Mexican Restaurant. The property is zoned C-2, General Business District located at 13045 Canaan Center Drive.

Chairman Parks asked for Staff Presentation. The Planning Director presented the case with a Staff Recommendation to approve this item as listed in the Staff Report. The Planning Director also stated that all eleven (11) conditions of approval have been addressed by the applicant.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Scott Mosburg, Mosburg & Associates** stated that he was in agreement with the all conditions as listed in the Staff Report. He also stated that he had nothing to add but would be glad to answer any questions from the Planning Commission.

Chairman Parks asked if anyone in the audience had any questions or comments.

BC Kinsley, 13142 Riverview Avenue asked about the storm water detention for the parking lot. He again stated his concern over the past years of silt and mud getting into his pond every time it rains any significant amount. The Planning Director stated that this development will utilize the detention pond adjacent to Canaan Center Drive which should mitigate this issue. He stated the applicants are building a storm sewer line from the existing El Potro that will remove the concrete riprap allowed by the City for the old Mazzio's building. He stated that after construction, this installation will improve the storm water runoff for this new parking lot development as well as the existing restaurant site.

Chairman Parks asked if anyone in the audience had any questions or comments. Seeing none he asked for a motion. Commissioner Mesmer made a motion to approve the Site/Landscape Plan subject to the listed conditions with a second from Vice-Chairman Pierce.

Chairman Parks asked if the Planning Commission had any comments or questions. Seeing none he called for the vote. Motion passed 6-0.

Chairman Parks asked if there was any further business. Seeing none, he adjourned the meeting at 8:17 p.m.



Don E. Slone, AICP, CFM, Secretary