

PLANNING COMMISSION MEETING MINUTES

Tuesday, March 21, 2017 @ 7:00 p.m.

Members Present: Craig Stephan, Mark Yates, Sherri Neff, Tyler McMahan, Merle Parks, Jason Krone, and Lloyd Mesmer

Member Absent: Dave Pierce

Staff Present: Don E. Slone, AICP, CFM, City Planner

Chairman Parks called the meeting to order at 7:01 p.m. and asked for a roll call. Roll call listed above.

Chairman Parks introduced **Item No. 1: Approval of Minutes** from the February 21, 2017 Planning Commission meeting. Commissioner Mesmer made a motion to approve the minutes with a second from Commissioner Yates. Commissioner Parks asked if there were any additional questions or comments. Seeing none, he called for the vote. The minutes were approved by a 7-0 vote.

New Business:

Chairman Parks introduced **Item No. 2: Preliminary Plat: PT-17-102, "Archer Road Estates"** this request is to preliminary plat 49.24 acres into a seven (7) lot rural residential subdivision. Requested by Mark Breuer, P.E., Schlagel & Associates for the BICO Group, LLC, property owners of record. The property was rezoned to an R, Rural Residential District classification under BSZ-136 – Archer Road Estates subject to platting. The property is generally located at the northeast corner of 142nd Street and Archer Road in the Loring Service Area.

Chairman Parks stated that he will not be voting on this matter as his law partner represents the sellers. He then stated that he will not vote but will conduct the meeting to make sure it is handled but will abstain from voting.

Chairman Parks asked Commissioner Yates if he was going to participate. Commissioner Yates stated that he was going to abstain from voting. Commissioner Parks stated that Commissioner Yates lives within the 200' radius of the property being requested, so he has an interest in it also so likewise, he will abstain from voting.

Chairman Parks asked for Staff Presentation. The City Planner presented the case with a Staff Recommendation to approve the Preliminary Plat with the conditions listed in the Staff Report.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Mark Breuer, P.E., Schlagel & Associates**, stated that they were in agreement with Staff's Recommendation and would be glad to answer any questions from the Planning Commission.

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

Chairman Parks asked if there were any further comments from the audience. Seeing none he called for a motion. Commissioner Stephan made a motion to approve the Preliminary Plat with the fourteen (14) conditions listed in the Staff Report with a second from Commissioner Krone.

Chairman Parks asked if there were any additional questions from the Planning Commission. Seeing none he called for a vote. Motion passed 5-0-2. Chairman Parks and Commissioner Yates abstained from the vote.

Chairman Parks introduced **Item No. 3: Final Plat: PT-17-102, "Archer Road Estates"** this request is to final plat 49.24 acres into a seven (7) lot rural residential subdivision. Requested by Mark Breuer, P.E., Schlagel & Associates for the BICO Group, LLC, property owners of record. The property is generally located at the northeast corner of 142nd Street and Archer Road in the Loring Service Area.

Chairman Parks asked for Staff Presentation. The City Planner presented the case with a Staff Recommendation to approve the Final Plat with the sixteen (16) conditions listed in the Staff Report

Chairman Parks asked if the applicant would like to address the Planning Commission. **Mark Breuer, P.E., Schlagel & Associates,** stated that they are in concurrence with Staff's Recommendation and he 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 asked for a motion. Commissioner Mesmer made a motion to approve the Final Plat with the sixteen (16) listed conditions with a second from Commissioner Stephan.

Chairman Parks asked if there were any additional questions from the Planning Commission. Seeing none he called for a vote. Motion passed 5-0-2. Chairman Parks and Commissioner Yates abstained from the vote.

The City Planner stated that he will forward this item to the Governing Body on April 10, 2017 with a unanimous Planning Commission recommendation of approval.

Chairman Parks introduced **ITEM NO. 4: Rezoning: BSZ-137: "Lake Forest Addition"** to rezone 3.72 acres from an A-1, Agricultural District to an R-1, Single-Family Residential District zoning classification. Requested by Scott D. Confer, PS, Shafer, and Kline & Warren for The Lake of the Forest Club, Inc., property owners of record. This request is to rezone a 66 foot strip of land acquired from the Boy Scouts of America, Heart of America Council that runs along the western property line of The Lake of the Forest Club.

Chairman Parks opened the public hearing at 7:12 p.m. and asked for Staff Presentation. The City Planner presented the case with a Staff Recommendation to approve the Rezoning subject to the listed conditions.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Scott D. Confer, PS, Shafer, Kline & Warren,** stated they are in concurrence with Staff's Recommendation and he would be glad to answer any questions from the Planning Commission.

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

Richard Reeve, 10210 Holmes Road, Kansas City, MO., Boy Scouts of America, stated that he had reviewed the file and the Boy Scouts do not have any issues with the rezoning. Mr. Reeve then stated that they have not been paid in full for Boy Scout property that was sold to Bob Laing per their agreement that dates back to October 28, 2011. He stated that they would like final payment before anything else is done along the western boundary line.

Chairman Parks states that according to the application the Lake of the Forest Club owns the property. Mr. Reeve stated that the property was purchased initially by Mr. Laing individually and is part of the rezoning request before you tonight.

Chairman Parks asked if the title to the property has been transferred. Mr. Reeve said it was transferred and the money was to be transferred upon signing.

Chairman Parks asked if the Lake of the Forest had any position regarding this issue.

Gary Bicknell, 207 Lake Forest Drive, Lake of the Forest Real Estate, stated he was not aware of any of this. An individual bought this property. His understanding is that the property is now owned by Lake of the Forest Club, Inc. He knew that there were two properties that were encroached upon.

Mr. Bicknell stated that they just want to rezone the properties. The homeowners have been given the opportunity to buy the 66 feet for their home. Mr. Bicknell was not aware that Mr. Laing still owed monies to the Boy Scouts for the property and the Lake could talk to him about paying. Mr. Bicknell stated that he would like to proceed with the rezoning.

Chairman Parks stated that he is not sure if the Planning Commission has jurisdiction over this matter between the Boy Scouts and Mr. Laing dealing with the property transfer.

Richard Ledgerwood, Boy Scouts of America, stated that the Boy Scouts paid Shafer, Kline and Warren to survey the property years ago and that Mr. Laing had not paid for the second part of the property. The Boy Scouts just want to get paid and if payment is not made, they will protest the rezoning.

Scott Confer asked who owns the property. He thought the Lake already owned the property. Through the course of time the Lake did purchase all of it and then Bob Laing bought his section separately. There are now four different owners. Three of the properties purchased the additional 66 feet including Mr. Laing.

Commissioner Krone asked who the Lake bought the property from, and Mr. Ledgerwood stated the Boy Scouts sold the property to the Lake of the Forest after several encroachments.

Chairman Parks stated that if title has been transferred to Mr. Laing then it becomes a civil matter between the Boy Scouts and Mr. Laing. If Mr. Laing owns his part of the 66 feet, the initial question is, does the Lake of the Forest have the authority to rezone the property for him and the other two property owners. All three properties have had the titles transferred into the individual names according to Mr. Bicknell.

Commissioner Yates asked what is to say the other people want their property rezoned. Can the City unilaterally rezone property? The City Planner stated that the City does have the authority to unilaterally rezone; however, the Lake of the Forest does not. It looks like the 66 feet borders the north side of Mr. Laing's property. The county shows this property as being owned by Bob Laing.

Chairman Parks stated that the application for the rezoning is for all the property shown in the Zoning Exhibit, including the property owned by Mr. Laing.

Commissioner Krone asked if there are now four property owners, can we only rezone the property that is owned by the Lake of the Forest, Inc. as they are the only applicant to this request.

Commissioner Yates stated that they don't know who owns the 66 feet for sure. Mr. Laing dealt with the Boy Scouts and the rest of the property owners dealt with the Lake of the Forest. Mr. Laing has already built on the property.

Chairman Parks asked if there is a way to make this divisible. The City Planner stated that they need to clean up the zoning. The City Planner did not feel comfortable sending the rezoning forward at this time. The City Planner stated that he would be more comfortable if the Planning Commission had more answers before they move forward.

Commissioner Stephan stated that he believes they need to table this item until more answers can be found.

Mr. Confer asked what questions the Planning Commission would like answered before they move forward with the rezoning. Check on the property owners who have acquired the additional 66 feet and get their permission to rezone, excluding Bob Laing's property.

The City Planner stated that the solution isn't to exclude Bob Laing's property, but rather to have all the property owners including Mr. Laing sign the Rezoning Application who have purchased the 66 feet from the Lake of the Forest.

Mr. Bicknell stated that they could talk to Mr. Laing and ask that he pay the Boy Scouts and he is holding the rezoning up for the Lake of the Forest.

Commissioner Krone stated that would be a good faith effort.

Chairman Parks stated that he didn't think contractual rights can be made part of this rezoning. The City Planner agreed and stated the best course of action is for the property owners to state in writing that they are in agreement with this action.

Mr. Bicknell stated that the Lake of the Forest Board would get a letter out to Mr. Laing concerning this matter and the other two owners.

Commissioner Stephan stated this will affect the other two items and they would have to be tabled.

The City Planner stated that they will need letters for 211 Lake Forest Drive, 116 Lake Forest Drive, and 313 Lake Forest Drive.

Seeing none he closed the public hearing at 7:36 p.m. and asked for a motion. Commissioner Krone made a motion to "Table" the item due to a "procedural notification error" with a second from Commissioner Stephan.

Chairman Parks asked if there were any additional questions from the Planning Commission. Seeing none he called for the vote. Motion passed 7-0.

This item is tabled until April 18, 2017 and will then be on the agenda for the Planning Commission meeting.

Chairman Parks introduced **Item No. 5: Preliminary Plat: PT-17-101, "Lake Forest – Mesa Lot"** this request is to preliminary plat 0.67 acres into a one (1) lot subdivision within the "common area" of The Lake of the Forest Club. Requested by Scott D. Confer, PS, Shafer, Kline & Warren for The Lake of the Forest Club, Inc., property owners of record. The subject property is being rezoned to R-1, Single-Family Residential District under the "Lake Forest Addition" to be addressed as 212 Lake Forest Drive.

Chairman Parks asked for Staff Presentation. The City Planner presented the case with a Staff Recommendation to "table this item" as requested by the Planning Commission.

Chairman Parks asked if anyone in the audience had any questions or comments. Seeing none he asked for a motion. Commissioner Stephan made a motion to "table" the Preliminary Plat with a second from Commissioner Neff.

Chairman Parks asked if there were any additional questions from the Planning Commission. Seeing none he called for the vote. Motion passed 7-0.

Chairman Parks introduced **ITEM NO. 6: Final Plat: PT-17-101, "Lake Forest – Mesa Lot"** this request is to final plat 0.67 acres into a one (1) lot subdivision within the "common area" of The Lake of the Forest Club. Requested by Scott D. Confer, PS, Shafer, Kline & Warren for The Lake of the Forest Club, Inc., property owners of record. The lot will be addressed as 212 Lake Forest Drive.

Chairman Parks asked for Staff Presentation. The City Planner presented the case with a Staff Recommendation to "table this item" as requested by the Planning Commission.

Chairman Parks asked if anyone in the audience had any questions or comments. Seeing none he asked for a motion. Commissioner Stephan made a motion to "table" the Final Plat with a second from Commissioner Krone.

Chairman Parks asked if there were any additional questions from the Planning Commission. Seeing none he called for the vote. Motion passed 7-0.

Chairman Parks introduced **ITEM NO. 7: Site Plan: ST-17-100, "Commerce Bank ATM @ Price Chopper"**, Requested by Jeff Brocco, Farnsworth Group, under lease from PC Realty Trust (DBA, Price Chopper), property owners of record. This request is to install an ATM drive through facility in the parking lot on property zoned C-2, General Business District located at 501 S. Commercial Drive.

Chairman Parks asked for Staff Presentation. The City Planner presented the case with a Staff Recommendation to approve the Site Plan subject to the listed conditions in the Staff Report.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Brent Hall, Commerce Bank**, stated that they agree with Staff recommendations and all conditions listed in Staff Report.

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 Plan with the listed conditions with a second from Commissioner Stephan.

Chairman Parks asked about the loss of the nine parking spaces and the City Planner said that would not affect this project as there was excess parking onsite.

Chairman Parks asked if there were any additional questions from the Planning Commission. Seeing none he called for the vote. Motion passed 7-0.

Chairman Parks adjourned the meeting at 7:47 p.m.


Don E. Slone, AICP, CFM, Secretary