

MINUTES
PLANNING COMMISSION
April 28, 2011
7:00 P.M. – COUNCIL CHAMBER

	<u>Name</u>	<u>Attendance</u>
MEMBERS PRESENT:	Bob Bucher	(5-0)
	Ann Fisher	(3-2)
	Jerome Goolsby	(4-1)
	Reba Hebert	(5-0)
	Joseph Morrey	(5-0)
	Jason Park	(3-2)
	Bruce Taylor	(5-0)
	Steve Wenger	(4-1)
MEMBERS ABSENT:	Mark Manville	(2-3)

Quorum Present. Five members constitute a quorum.

STAFF PRESENT: Mike Kellam, City Planner
Roger Sparks, City Engineer
Ted Elo, Assistant City Attorney
Bruce Taylor, Civil Engineer

Also in attendance: Lon & Vicki Gray, Loran & Margaret Heinz, Margaret Justice, David Olson, Ken Reeder.

Call to Order Chairman Steve Wenger read the regulations adopted by the Planning Commission. He stated that there is a certified copy of Chapters 11, 26 and 31 of the Code of Ordinances available for reference if needed. He then called the meeting to order.

Minutes of Special Meeting March 1, 2011 Chairman Wenger said that according to the City Legal Department, the motion and vote approved at the March 24 meeting to change the minutes of the March 1, 2011 meeting via an e-mail vote was not a legal action. The only way the planning commission can vote is in person. Minutes that need to be supplemented or amended should be done and voted upon at a meeting. Therefore, Mr. Wenger suggested a vote be taken tonight to amend the March 24 Planning Commission meeting minutes to include the following:

During the Planning Commission meeting held on March 24, the Planning Commission members voted by a count of 7 yeas and 1 abstention that member Joseph A. Morrey could submit his best recollection of the testimony of the developer David Christie in response to questions asked by Mr. Morrey at the Planning Commission Special Meeting held on March 1, 2011, and suggest corrections to minutes of the meeting. Mr. Morrey submits that beginning on Page 3, the 2nd paragraph should read:

Mr. Morrey asked about commercial viability. Mr. Christie responded that it was the best corner left in St. Joseph as evidenced by Walgreen locating across the street from it. Mr. Morrey asked why they were agreeing to pay more for the land than fair market value. Mr. Christie responded because the owner would not sell for a loss

and has held firm. Mr. Morrey said that one of the criterions for a Chapter 353 Project was a depressed value. Mr. Christie said that the land was as valuable with or without the building and that the building actually had a negative value.

Mr. Wenger then called the question.

VOTE: Bucher – yes, Fisher – abstain, Goolsby – yes, Hebert – yes, Morrey – yes, Park – yes, Taylor – yes, Wenger – yes.

Ayes – 7, Nays – 0, Abstain – 1. Quorum vote is five votes. Motion passes.

Minutes of Regular Meeting March 24, 2011 Jerome Goolsby made a motion to approve the minutes of the March 24, 2011 meeting as submitted. Ann Fisher seconded the motion.

VOTE: Bucher – yes, Fisher – yes, Goolsby – yes, Hebert – yes, Morrey – yes, Park – yes, Taylor – yes, Wenger – yes.

Ayes – 8, Nays – 0. Quorum vote is five votes. Motion passes.

Postponements/Adjustments to Agenda:

Turning Point Church of the Nazarene by Gordon Kimble, agent – The applicant requested this item be removed from the Planning Commission agenda until further notice. Any future action on the request will be treated as a new application and all public notifications will be repeated.

Old Business: There was no old business.

New Business:

ITEM #1 LON A. GRAY – Requesting approval of the vacation of all of an alleyway located between and adjacent to 2001 Garfield Avenue and 3114 South 21st Street, being approximately 155 feet in length and 12 feet in width.

Staff recommendation: Approval

Mike said he has nothing to add to the staff report. Staff recommends approval of this alley vacation.

Lon Gray, 2001 Garfield Avenue, appeared to explain this request. Mr. Gray said he has taken care of this property for the last 21-22 years. They would like it vacated so they can use it to dress up their yard.

Ann Fisher asked if there will be a turnaround for the mailman. Mr. Gray explained that the remainder of the north/south alley and the entire east/west alley will remain open which will provide a good turnaround.

No one else appeared to speak in favor of this request and no one appeared to speak in opposition. Chairman Wenger closed the public hearing.

Jerome Goolsby asked if this will affect emergency services to the area. Mike Kellam said there are several accesses and there will not be a problem for emergency vehicles.

There being no further questions, Chairman Wenger called the question.

VOTE: Bucher – yes, Fisher – yes, Goolsby – yes, Hebert – yes, Morrey – yes, Park – yes, Taylor – yes, Wenger – yes.

Ayes – 8, Nays – 0. Quorum vote is five votes. Motion passes.

This item will be forwarded to the City Council for final action with a recommendation of **APPROVAL** from the Planning Commission.

ITEM #2 CHRISTIE DEVELOPMENT ASSOCIATES, LLC by David N. Olson, agent – Requesting approval of a major preliminary subdivision plan to be known as Cook Crossing, located at 4200 & 4204 North Belt Highway and a portion of 4302 North Belt Highway; proposes five lots on property currently zoned C-3 Commercial District.

Staff recommendation: Approval

Mike said this preliminary plat is tied to the development of the old Payless site. He has nothing to add to the staff report. Staff recommends approval.

David Olson, Christie Development Associates, 9400 Reeds Rd., Overland Park, KS appeared to explain this request. Mr. Olson stated that the plan is to demolish about 20,000 sq. ft. of the existing building in order to prepare the structure for a new retail tenant. Reconfiguring the existing building will allow additional parking in the front and will orient the existing building to the rest of the parking flow and the internal circulation. In addition to the existing building, they intend to construct a new grocery tenant adjacent to the proposed retail tenant. That building will be approximately 18,000 sq. ft. He said they have only tentative plans for the corner lot; the preliminary plat shows a 6,000 sq. ft. building that can house two or three tenants or the lot can be reconfigured for a drive-through.

Mr. Olson explained that the overall site development includes completely reconstructing the site lay-out pavement, storm drainage, and utilities. Basically, it will be a new site except for the existing Ryan's property. The site work will blend into Ryan's existing parking area; that building will remain unchanged, as will the parking near Ryan's.

Roadway improvements will include relocation of two entrances on the Belt Highway -- the midpoint entrance shifts slightly south and the southern entrance shifts about 80-85 ft. north away from the Belt & Cook intersection according to Mr. Olson. Plans also include the addition of a right turn lane on Cook Road into the facility and dedication of 10 feet of additional right-of-way that, along with the right turn lane, can be converted into a through lane on Cook Road in the future when the City deems it necessary for the long term traffic plan.

Regarding drainage, Mr. Olson said this is the most exciting part of the project. They will create a detention basin with additional capacity to account for off-site storm water entering the property from the Belt Highway. They hope to work out a grading arrangement with adjacent property owners in order to expand that capacity and account for a large amount of water coming from the southern properties.

Mr. Olson said he has contacted the Parmer's, one of the adjacent property owners, and they are interested in these plans and will be meeting with them in the near future. In addition, Margaret Justice (another adjacent property owner) is in attendance at this meeting and he intends to talk to her more about the plan.

However, Mr. Olson stated that the off-site grading is not a condition of the subdivision plat. He said they hope to significantly increase the size of the retention area by working with the adjacent property owners.

Mr. Olson said he would be happy to answer any questions.

Steve Wenger asked how they intend to negotiate with the adjacent property owners. Mr. Olson said the Parmer property and the Justice property are the only two properties needed to accomplish this plan, and that he would meet with them personally to discuss the proposal.

Using the drawing, Mr. Olson said there is a faint line at the intersection between Lots 3 and 4 that is an existing 72 inch pipe that comes down from Cook Rd. They intend to intercept that pipe and direct it into their detention basin and be able to expand their basin to near proximity of their southern property line. That way, all drainage will be off the Parmer and Justice property and it will be discharged where the ditch presently discharges from the Parmer property.

Bruce Taylor asked if the area of the map that is blue will be a standing water or percolation basin. Mr. Olson said no, it will not. It will be a dry basin, detention only, no retention.

Joe Morrey asked some questions about the possible tenants of the development, but nothing about the plat at this time.

Margaret Justice, 4305 North 31st Street, said she is in favor of this request. It will be pleasant for the neighborhood and it will be nice to have the ditch taken care of. She explained that she has lost about 20 ft. of her back yard into the ditch located behind her home. The run off has created a 40 ft. deep crater. She said the drainage from the church, Walgreens, the car wash, Culver's, and IHop all come onto her property and the property next door.

Ms. Justice said this will improve property values in the area, it will fix an unsightly corner and will be 100% improvement for the neighborhood.

Loran Heinz, 22 South Carriage Drive, said his property is located on the north side of the ditch referred to earlier. Mr. Heinz said he is not sure if he is for or against this plat, but the erosion in the ditch has continually gotten worse over the last 20 years, even having had full sized trees succumb to the erosion; drainage tile and trash from Walmart fill this ditch. Mr. Heinz said the retention ditch for Walmart, North Shoppes or the businesses located just south was not done properly. His position tonight is that he hopes if we are going to allow this development, he would like to see something done with that corner because it is an eyesore, and do it correctly. The ditch cannot continue at this rate. The ditch coming across the west side of Ryan's is now 45 ft. deep and continues to erode. He said some of his neighbors have lost large sections of their back yards. There are probably 100 homes in the old North Ridge and we need to do a better job of protecting those property owners.

No one else appeared to speak in favor of or in opposition to this request. Chairman Wenger closed the public hearing.

Bob Bucher said he has not heard about any corrections that will be made to the “big” ditch on the north side of Ryan’s, which is what is of concern to Mr. Heinz.

Roger Sparks said each development is responsible for handling their own discharge. The basin that will be built for Cook Crossing will do exactly that. He said it will also help with some off-site storage, one from Lowe’s and the other from the development to the south. This should help the large ditch somewhat, but it would take a much greater undertaking to do anything to the large ditch itself. It would involve every regulatory agency known to man.

Mr. Bucher asked if the problem on the large ditch is a different problem from the one being addressed by Christie Development. Roger said it is really a combination of problems, going back to before Walmart, the Shoppes or anything else was constructed. The Shoppes storm water drainage is a decent system and we have made improvements to it. Walmart was built under the old standards which were not very strict and do not stop the typical hard storm, only those that occur every 10-20 years. In short, it is not good at preventing erosion. IHop and Walgreens have a pretty good detention system. The church has mostly green space. MoDot has absolutely none. North Ridge does not have a detention basin, meaning the homes and roadways are contributing significantly to the erosion. Roger said the improvements proposed by Christie Development will help a large acreage that is contributing to these problems.

Mr. Morrey asked where the water will ultimately go off of this property. Roger said there is an existing drainage ditch running behind the homes in North Ridge Estates that goes north into Blacksnake Creek; that is where this water will end up.

Jerome Goolsby asked if the Farmers and Justices will be a part of the “association or other private body to provide for continued maintenance of common property/detention areas” (quoted from staff report). Also he asked if the association or private body would be a matter of public record so people will know who to contact about problems.

Mike said the detention basin enlargement will be 100% on the property owned by Christie Development, it will still be on the new development site. The reason they have to work with the adjacent property owners is so they can get access to the ditch in order to do the required work. Mr. Olson said the ditch starts on his property and meanders off. He is going to work with them to fill the ditch, in essence, to the east/west ditch. Mr. Goolsby said it sounds like they are going to partner with the adjacent property owners on a one-time basis to get that part of the ditch corrected. Mr. Olson explained that the basin will be constructed wholly within the platted subdivision and the owners of the subdivision will maintain that detention facility.

Mr. Olson said the owner of the detention tract will be responsible for the maintenance. The maintenance cost will be shared by the property owners within the subdivision. Mike said the City will not own the detention basin and it will not be a maintenance responsibility of the City.

Reba Hebert asked if this development will add hard surface to the area. Mike said yes; that has been calculated into the detention basin.

Ms. Hebert said currently, if you are driving north on the Belt Highway and turn right on Cook Road, there is a concrete median that narrows it to one lane only. She asked how many feet are necessary for a traffic lane. Roger Sparks said the driving lane is 12 ft. plus a 2 ft. for curb and gutter. In this case, it may be a little narrower because there is no curb and gutter next to the median. However, as part of the work the City is doing for the right turn lane, it will be opened a little bit so it will be wider and easier to approach. Ms. Hebert said she wonders if there will be a traffic back-up with that single lane and people turning into the Cook Road entrance. Roger said there will be a right turn lane going into the new development. The right turn lane will start after the right turning traffic merges with the through traffic. Once the merge is completed, they will be able to immediately pull over into the right turn lane if they want to turn right into the development. The right turn lane will be about 100 ft. long. Roger said the entire through lane will also be widened a little bit to the north.

Mr. Morrey asked if any stacking studies have been done on vehicles wanting to turn left. Roger said the length of the median and the cue will remain the same. However, the entrance into this development will move west about 80 ft. and will be opposite of the Walgreen's entrance so there will not be conflicts of the driveways.

Bruce Taylor asked how this would affect the boulevard plan. Mike said this has been discussed with Mr. Olson and Mr. Christie. The setbacks of the buildings are designed to meet the boulevard plan. Regarding the intersection, it would not change per se even after the boulevard development. Mr. Taylor asked if there will be a median. Mike said no, it will be further down because of the number of driveways being served.

Joe Morrey asked about landscaping and buffering on this site. Mike said we will require buffering along the western edge of the property where it abuts the residential properties. There are also landscaping requirements throughout the paved area including a certain number of trees based on the amount of retail space.

There being no further questions, Chairman Wenger called the question.

VOTE: Bucher – yes, Fisher – no, Goolsby – yes, Hebert – yes, Morrey – no, Park – yes, Taylor – yes, Wenger – yes.

Ayes – 6, Nays – 2. Quorum vote is five votes. Motion passes.

This item will be forwarded to the City Council for final action with a recommendation of **APPROVAL** from the Planning Commission.

ITEM #3 RIVERSIDE CHURCH by Richard Mattson, agent – Requesting approval of a minor subdivision plat to be known as Riverside Crossing located at 5401 Mitchell Avenue. Proposes two lots on property currently zoned CP-O Planned Non-Retail Commercial District
Staff recommendation: Conditional Approval
Minor Subdivisions are approved or denied by the Planning Commission.

Mike said he has nothing to add to the staff report. Staff recommends conditional approval with the condition that a cross access easement be dedicated to serve Lot 1 and Lot 2. This will have to be recorded as a separate document since easements cannot be dedicated on minor subdivision plats. The applicant has agreed to this condition.

Bruce Taylor asked if either of these lots will change ownership. Mike said he really is not sure.

Jason Park said the wording is confusing. It mentions that both lots will have the southernmost building. He asked if, in reality, one lot is going to have one building and one will have one building and the cell phone tower. Mike confirmed that is correct.

No one appeared to speak in favor of this request and no one appears to speak in opposition. Chairman Wenger closed the public hearing.

Joe Morrey asked how close the lot dividing line to the northernmost building is. He said he assumes it meets all the setbacks. Mike said yes. Mr. Morrey said the two buildings share one drive coming off of Riverside Road. Mike said that is why staff requires a cross access easement in order to ensure that access is continued. The easement is to cross Lot 1 to reach Lot 2. We need to make sure that both lots can access Mitchell Avenue. The Riverside Road access is not accessible from the southern part of the property. Mr. Morrey said yes, it is, even though it does not show this on the plat. Mike said it will end up being a private access easement between the two lots.

Reba Hebert asked about a 50 ft. sewer easement. Mike said it is shown on the plat map. He said there is a line that runs from the corner of Mitchell Ave. to the northernmost building.

Roger Sparks said the north most building uses a pump station to pump it up to the sewer line. The south most building feeds by gravity. Ms. Hebert asked if the sewer easement should also be recorded as a condition. Mike said it is shown on the map, but we can certainly make an amendment to include it as a condition.

Mike said the condition on the sewer easement should read, "The 50 ft. sewer easement document shall be recorded prior to or at the same time as the plat itself, to ensure that it is done."

Mr. Goolsby made a motion to adopt this condition. Ms. Hebert seconded the motion on the amendment to add this as a second condition.

There being no further questions, Chairman Wenger called the question on the amendment.

VOTE: Bucher – yes, Fisher – yes, Goolsby – yes, Hebert – yes, Morrey – yes, Park – yes, Taylor – yes, Wenger – yes.

Ayes – 8, Nays – 0. Quorum vote is five votes. Motion passes.

There was no further discussion on the plat. Therefore, Chairman Wenger called the question on approval of the amended plat.

VOTE: Bucher – yes, Fisher – yes, Goolsby – yes, Hebert – yes, Morrey – yes, Park – yes, Taylor – yes, Wenger – yes.

Ayes – 8, Nays – 0. Quorum vote is five votes. Motion passes.

This item has been approved by the Planning Commission with the following two conditions:

1. A permanent cross-access easement shall be dedicated to serve Lot 1 through Lot 2. This shall be recorded by a separate document prior to the recording of the final plat.
2. The 50 ft. sewer easement document shall be recorded prior to or at the same time as the plat itself, to ensure that it is done.

ITEM #4 REPORT FROM CITY PLANNER/GENERAL DISCUSSION

- Mike said the meeting of the Midtown Reinvestment Strategic Plan committee on March 31 was successful. About 35 people attended, there were good comments and some new faces were in attendance.
- There is one application for May for a subdivision at Pear and Ajax; tomorrow, April 29 is the deadline for filing.
- Mr. Wenger mentioned the updates to Chapter 31. Mike said if anyone has questions or needs assistance, staff will be happy to help.

There being no further business, Mr. Wenger adjourned the meeting at 8:06 p.m.

The next regular meeting of the Planning Commission will be held on Thursday, May 26, 2011 at 7:00 p.m.

cc: City Clerk
Planning Commission Members
Clint Thompson, PCD Director
Ted Elo, Assistant City Attorney
Mark Townsend