

PLANNING COMMISSION MINUTES
CITY OF ROELAND PARK
4600 W 51st Street, Roeland Park, KS 66205
June 30, 2015, 7:00 P.M.

The Roeland Park Planning Commission met on June 30, 2015, in City Hall, 4600 West 51st Street.

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

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

Staff: Mike Flickinger, Building Official
 Neil Shortlidge, City Attorney
 Jennifer Jones-Lacy, Assistant City Administrator

Absent: Linus Orth

I. Roll Call

II. Approval of Minutes

MOTION: COMMISSIONER MOHART MOVED, COMMISSIONER HICKEY SECONDED, TO APPROVE THE PLANNING COMMISSION MEETING MINUTES FOR MAY 19, 2015. (MOTION PASSES 6-0)

III. Public Hearing

1. Review of the Special Use Permit Application for property located at 47th and Mission Road.

Commissioner Mohart opened the Public Hearing.

Ms. Jones-Lacy announced that the applicant would have a presentation for the Commission. She informed the audience there will be time after the presentation for public comment. She reviewed the rules for public comment noting that yellow cards must be completed and persons will be called in the order the cards were received. Comments are limited to two minutes and limited to the discussion regarding the 47th and Mission Road property. Following public comment, the Planning Commission will have their discussion.

Applicants Tony Krsnich and Tim Schulte introduced themselves to the Commission.

Mr. Krsnich is the founder and CEO of Flint Hills Holdings Group. He stated that he has previously been before the Commission and the Governing Body regarding his property and provided a brief background of what has transpired at the site since his purchase in addition to what his goals are and the steps needed to get there. His only request at this time is to obtain from the Planning Commission a recommendation for the City Council to approve his Special Use Permit.

Mr. Krsnich said he has received a recommendation from the 47th and Mission Overlay District after his presentation for share parking at the site. Currently he is not in a position to propose building plans, an operator, or a concept. He added that he has been approached by fast-foot, drive-through

establishments, but is not interested in that type of restaurant for that area. His goal is to have an aesthetic restaurant that will complement the surrounding businesses and provide a comfortable atmosphere to the local community. Mr. Krsnich said he feels the neighborhood is doing well, and moving forward, is in a good location, especially to the proximity of Fairway, Prairie Village, and the Plaza. He also realized this property is vital to Roeland Park in an effort to make it a “destination corridor.” Mr. Krsnich presented renderings of possible concepts for a restaurant at the site as well as parking diagrams.

Specifically, the special use permit will provide Taco Republic with needed parking while allowing time for Mr. Krsnich to finalize his concept. It will also allow time to attract the right operator needed to construct the building. He also said he would like to be able to have food trucks serve breakfast on the property. Mr. Krsnich felt this will attract needed vibrancy, also produce immediate tax revenues to the City of Roeland Park. He also state he still needs to submit requests for replatting and rezoning part of the site as part of it is zoned residential.

Mr. Krsnich fielded questions from the Commissioners regarding his expected timeline needed to develop the property, adding that they not receive a special use plan or a configuration.

Commissioner Rogler said that looking at the initial concept, it would fail to pass the criteria under Looking at initial concept, would fail to pass under City Code Section 16-501(f)(1)(iv), (f)(1)(v), (f)(2)(i), (f)(3)(i), (f)(3)(ii), and (f)(3)(v), in that the building does not have an entry that faces a frontage street, does not provide a continuous 10-foot sidewalk across the whole site or meet the percentage of parking zoned by the Overlay District.

Mr. Krsnich and the Commission discussed the changes to the current parking layout and size. He provided them the information he has requested for reconfiguration and also how he has addressed some of the safety concerns on the lot as well as way to discourage unwarranted parking in certain areas.

Public Comments:

Jeff Bartz, 4711 Canterbury. Mr. Bartz, owner of the adjacent property spoke in support of the project.

Michael Lexterman, 5219 Buena Vista. Mr. Lexterman spoke in support of the development project and his concerns with current parking issues.

Larry Bodinson, 4728 Canterbury. He inquired of the Commission as to receipt of a certified letter. He then presented his concerns about the condition of the property and parking.

Ms. Jones-Lacy responded to Mr. Bodinson stating that it is a requirement of an applicant to provide certified letters to the surrounding property owners who are within a certain radius of the site to notify them of the public hearing.

James Curtright, 4749 Canterbury. Mr. Curtright spoke regarding the current condition of the property and intentions of the developer.

Lindsey Sproul, 2923 W. 49th Terrace. Ms. Sproul spoke in support of food trucks at the location and in support of the developer.

Tom Madigan, 5316 West 49th Terrace. Mr. Madigan expressed his concerns about the lack of progress at the site.

Laura Wagner-Bartz, 4711 Canterbury. Ms. Wagner-Bartz expressed her support of the development project.

Shea Geist, 5000 Southridge Street. Ms. Geist stated her concerns regarding parking and the length of time anticipated to develop the project.

(End of Public Comment)

Mr. Krsnich addressed the locations of the requested food trucks. He also said that Taco Republic is paying rent for their portion of parking on the property.

There was some discussion regarding property taxes being paid and how they should be determined. There were concerns about lower taxes. Mr. Krsnich told the Commission that he tore the buildings down at the City's request and that is the reason for the lower tax assessment on the property.

Ms. Jones-Lacy commented that the new property owners have conformed to all the timelines put in place by the City following discussions with the City Council who set the time frames. She added that the owners have not fallen out of compliance.

Mr. Krsnich said he continues to work to maintain the site.

Commissioner Kohles said he appreciated Ms. Krsnich's comments and presentation stating that he felt his proposal was reasonable. He also added that he was glad the building were demolished. He spoke in support of food trucks, but expressed concerns about attracting people to the site. He also had safety concerns with the current condition of the lot.

Ms. Jones-Lacy stated the temporary parking permit is in effect until the end of July.

Commissioner Gleason said that Mr. Krsnich made a business decision to buy a property with issues, and questioned what went wrong with his business plan. Mr. Krsnich responded that his business plan remains intact.

Mr. Kohles said he would like to see future development, but felt the conversation should strictly be focused on the temporary use permit request currently at issue before the Planning Commission.

Mr. Krsnich spoke to his previous experience with food trucks. He noted that some municipalities require that they have a business license registered with the City to ensure tax revenues go to the City, their operation pad site must be planned and the trucks must be able to move.

City Attorney Shortlidge confirmed that there is currently nothing in the City Ordinance pertaining to food trucks.

Commissioner Rogler said the City should keep in mind specifically what the neighborhood should be and that Roeland Park's comprehensive plan called for this area to be a neighborhood center. Also to be considered is the zoning and use of nearby properties. Mr. Rogler provided as a reference to the Commission Section 16-321(e), factors to be considered for a Special Use Permit in which it lists the criteria with which to judge whether or not to issue a special use permit for this project.

(1) The character of the neighborhood.

(2) The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with the zoning and uses.

(3) The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.

- (4) The length of time the property has remained vacant as zoned.
- (5) The extent to which approval of the application would detrimentally affect nearby properties.
- (6) The extent to which the proposed use would substantially harm the value of nearby properties.
- (7) The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property.
- (8) The extent to which utilities and services, including but not limited to, sewers, water service, police and fire protection, and parks and recreation facilities are available and adequate to serve the proposed use.
- (9) The extent to which the proposed use would create excessive storm water runoff, air pollution, water pollution, noise pollution or other environmental harm.
- (10) The extent to which there is a need for the use in the community.
- (11) The economic impact of the proposed use on the community.
- (12) The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to this chapter.
- (13) The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.
- (14) The conformance of the proposed use to the comprehensive plan and other adopted planning policies.
- (15) The recommendation of professional staff.

The Commission discussed with Mr. Krsnich possible options of expanding food truck hours to include lunch. They also discussed the difference between food tax revenues versus taxes for the fair market value of the property.

Commissioner Rogler said he was hearing the right vision for the property, but was not seeing the right vision and that if food trucks are allowed on the property he wants to make certain there are appropriate regulations. He feels the desired project would make the area feel more vibrant, but parking is always going to be an issue.

Commissioner Mohart noted that not a lot of interest was ever shown in the property and feels that the developer is making a solid improvement to Roeland Park and has not made the corner worse. She also stated that that areas has never looked like the image that Roeland Park wants to present.

Commissioner Hickey supported expanding the food truck hours to include lunch.

Ms. Jones-Lacy said the request could be amended to reflect the expanded hours. She also added that the Planning Commission's recommendation is scheduled to go before the City Council meeting in July. If a recommendation is not made by the Commission because they would like to deliberate further, the Council will likely extend the temporary use permit.

Commissioner Mohart questioned what types of codes needed to be in place and supported the amendment to expand food truck operating hours.

Mr. Krsnich said the food trucks would be required to have sanitation. He would also address safety concerns regarding the drop-off at the parking lot. He, too, would like to see expanded food truck hours as this will drive more revenue and bring vibrancy to area.

City Attorney Shortlidge stated the food trucks will be required to have a business license.

Mr. Krsnich inquired as to the maximum number of food trucks he would be permitted.

City Attorney Shortlidge recommended the Commission take a straw poll to determine if the majority would be in favor of approving the special use permit with amendments to include the length of the permit, and that food trucks are not to remain overnight.

MOTION: COMMISSIONER MOHART MOVED, COMMISSIONER HICKEY SECONDED, TO APPROVE THE SPECIAL USE PERMIT WITH AMENDMENTS TO INCLUDE THE LENGTH OF TIME FOR THE PERMIT AND THAT FOOD TRUCKS ARE NOT TO REMAIN AT THE SITE OVERNIGHT. (MOTION FAILS 3-3)

There was further Commission discussion of how property taxes would be assessed and paid.

Ms. Jones-Lacy recommended that the discussion be directed towards what it would take for the Commission to approve the permit request. She added the question remains what would happen if a permanent restaurant site were not found within the two years requested by the permit.

Commissioner Nielsen questioned the incentives to the developer to put a permanent restaurant on the site.

Commissioner Rogler noted that many items do not meet City Code. City Attorney Shortlidge said that sidewalk issues could be a condition for the replatting. It was also noted that the City is responsible for installing and maintaining sidewalks in the City.

There was extensive discussion between the Commission and Mr. Krsnich about the possibilities of the site, food truck limits, extending operating time limits, taxes collected, and future timelines. The Commission also discussed the possibility of approving the permit for 12 months instead of 24 months.

The Commissioners recommended to each other to walk the site. Ms. Jones-Lacy recommended a couple of Commissioners get together and come up with ideas that would allow them to make a positive recommendation on the special use permit. She added that staff would be available to assist. She will also work with the property owner to see if they are amenable to the Commission's suggestions.

Mr. Krsnich offered to make a donation to the City or to pay a fee to move this forward. The Commission strongly advised against such an offer. Mr. Krsnich then offered to make a guarantee to make up for any shortfall in taxes not collected by the food trucks.

After further discussion, the Commission concluded that issues remain with un-level parking lot. There was also discussion about a section missing in the code that a surface must be leveled after demolition. Commissioner Gleason felt that the missing code is not an excuse to leave the lot as it exists and that the site in its current state is unacceptable.

Mr. Krsnich said he would put up guardrails if needed.

City Attorney Shortlidge said the Commission is faced with three choices:

Recommend approval of the permit which requires a majority of the Planning Commission;

Recommend denial, either don't agree the request, or just move it on to City Council for decision:

Recommend to continue it for further discussion.

Mr. Shortlidge said when the request does get to City Council, they can, first, either accept the Planning Commission's recommendation. The Council vote requires five votes to pass as an ordinance will need to be created. Second, denial of the Commission's recommendation would need a majority of those present, or third, override the Commission's recommendation with a 2/3 vote, or they can send it back to the Planning Commission for further consideration.

There was further discussions regarding the renewal of the 12-month permit with the Commission deciding that a letter of intent or a firm offer must be presented to the Commission at which time the permit will be automatically renewed. If this condition is not met, the process will start over again.

MOTION: COMMISSIONER MOHART MOVED, COMMISSIONER ROGLER SECONDED, TO APPROVE THE REQUEST FOR A SPECIAL USE PERMIT WITH THE FOLLOWING CONDITIONS: APPROVE THE PERMIT FOR 12 MONTHS, EXTEND BUSINESS HOURS TO 7:00 A.M. TO 2:00 P.M.; A LIMIT OF THREE FOOD TRUCKS NOT TO REMAIN OVERNIGHT. AT THE END OF 12 MONTHS A LETTER OF INTENT OR A HARD OFFER IS REQUIRED TO AUTOMATICALLY EXTEND THE PERMIT FOR ANOTHER 12 MONTHS. (MOTION PASSES 4-2)

ROLL CALL VOTE:

HICKEY - Y NIELSEN - N ROGLER - Y MOHART - Y GLEASON - N KOHLES - Y

Commissioner Rogler emphasized that he wants to find solutions that address the concerns expressed by the citizens.

Ms. Jones-Lacy said the Commission's recommendation will go before the City Council at their July 20, 2015 meeting.

Due to the lateness of the evening, Commissioner Mohart suggested moving the remaining discussion topics to the July meeting. The Commissioners all agreed.

IV. Discussion Items

1. Covered Front Porches

Discussion continued to the July 21 meeting.

V. Future Discussion Items

1. Sustainable Codes Review – Mark Kohles

Discussion continued to the July 21 meeting.

VI. Other Matters before the Planning Commission

VII. Adjournment

MOTION: COMMISSIONER MOHART MOVED, COMMISSIONER ROGLER SECONDED, TO ADJOURN. (MOTION PASSES 6-0)

(Roeland Park Planning Commission Meeting Adjourned)