

PLANNING COMMISSION MINUTES
CITY OF ROELAND PARK
4600 W 51st Street, Roeland Park, KS 66205
January 20, 2015, 7:00 P.M.

The Roeland Park Planning Commission met on January 20, 2015, in City Hall, 4600 West 51st Street.

Chair Mohart declared a quorum and called the meeting to order at 7:00 p.m.

Present: Linus Orth Kyle Rogler Mike Hickey
 Paula Gleason Julie Mohart Mark Kohles

Staff: Mike Flickinger, Building Official
 Neil Shortlidge, Council to Planning Commission
 Jennifer Jones-Lacy, Assistant City Administrator

Absent: Darren Nielsen

I. **Roll Call**

II. **Approval of Minutes**

Mike Flickinger noted under Setbacks and Detached Structures the phrase “unless otherwise defined in these codes,” was added to the definition.

Julie Mohart moved, seconded by Mark Kohles, to approve the Planning Commission Meeting Minutes of December 16, 2014. (Motion carries 6-0)

III. **Appointments**

1. **Planning Commission Chair and Co-Chair**

Paula Gleason moved, seconded by Linus Orth, to nominate Julie Mohart as Planning Commission Chair. (Motion carries 6-0)

Paula Gleason moved, seconded by Julie Mohart, to nominate Kyle Rogler as Planning Commission Co-Chair. (Motion carries 6-0)

2. **Appointment to the 47th and Mission Overlay District**

Mr. Orth stated his term expired at the end of 2014, but has been notified that he would be reappointed. He has a lot of interest in the area and would continue to volunteer for the district.

Mr. Kohles moved, seconded by Ms. Mohart, to nominate Linus Orth to the 47th and Mission Overlay District. (Motion carries 6-0)

IV. **Discussion Items**

1. **Yard Definitions**

Ms. Jones-Lacy provided the Commission with a printout illustration that Mr. Kohles put together to support the definitions. She noted that the definitions were previously discussed and approved by the Planning Commission in November 2014. There were additional items added under Chapter 16 that needed to be discussed with the hopes of moving them forward in an omnibus fashion. Ms. Jones-Lacy added that the definitions for front and side yards have been approved, but that Mayor Joel Marquardt had some questions and concerns and wished to address the Planning Commission.

Mayor Marquardt expressed his concerns with the language of property setbacks with regards to the front and side yard definitions. It was noted that the language as written would allow for corner lot side yards to construct objects such as fencing, garages, decks, et cetera that could run up to the front property line. The Mayor stated his goal was to see if anyone on the Planning Commission would be willing to look into the code, do a little bit of background on it to make sure this code is the best that can be done for the City.

Mr. Marquardt noted this could be a potential problem with redevelopment of a residential lot and reiterated that a developer not be allowed to redefine the positioning of a house so that it would affect the setback and uniformity with the surrounding properties, or that the yard definitions could create new setback allowances within the current platted setbacks.

Mike Flickinger noted the provisions in City Code 16-613 address lots that abut side streets, requiring any construction to be 15 feet in from the right-of-way

Mr. Rogler thanked the Mayor for speaking to the Planning Commission and bringing his concerns to everyone's attention. Mr. Rogler said that at least 55% of the lot area is required to be a permeable uncovered surface. He stated research was needed if the definitions for front, side and back yards were changed and that the code might need to be modified to include traditional language for a corner lot and a side yard that faces the street, but should still have front yard setbacks.

It was noted in Code 16-407(b), that a side yard setback has to be 20-feet in from the right-of-way on the corner lot. Utility boxes are not addressed in Chapter 16, but are referenced in Section 809(n) and (o). Fences on a corner lot side yard are to be 15-feet in from right-of-way. Detached garages are to be 15-feet from the right-of-way. If the side yard abuts a street or highway, no residence, including those with attached or semi-attached garages, porch, enclosed or unenclosed, shall be located within 20 feet of the street or highway right-of-way line.

There was extensive discussion regarding platted versus code setbacks, setbacks for front yards and residential corner lots. There was also discussion of the orientation of the front of a house to which the Mayor asked if the setback definition could be rewritten so that it is not based on the building's orientation, but on the lines of the street as a whole. Mayor Marquardt stated that he would endorse a front yard setback off of the street and, therefore, no utilities could be placed on the corner anywhere.

Ms. Jones-Lacy has researched yard definitions of area cities and noted that Overland Park's definition of a front yard mirrors Roeland Park's and refers to the main building.

Mr. Hickey noted that the old definition put the side yard up to the property line which allowed for fencing, a recreational vehicle, et cetera, to be placed up to the front property yard.

Mr. Kohles felt that existing problems are largely with side yards.

Mayor Marquardt suggested that language to the effect that, "In no case shall a side yard be construed to be closer to the street than the nearest portion of the house," could be added to the definitions.

Ms. Jones-Lacy read into the record the Kansas City, Missouri definition of a side setback. "The setback required between a building and the side property line of the lot on which the building is located extending along a side property line from the point of the minimum front setback to the point of the minimum rear setback."

The Kansas City, Missouri definition for the side yard is as follows: "The actual area that exists between a building and the side property line of the lot on which the building is located, extending along a side property line from the point of the minimum setback to the point of the minimum rear setback." She noted the primary distinction is that setback does not refer to actual structure; however, definitions involving yard refer to the structure.

Ms. Jones-Lacy added that Kansas City does not have specific side yard setback definitions in its code and its yard definitions are all encompassing. She also noted there would be exceptions and would "include any commercial property on a corner lot where the main structure is located close to the intersection without any accessory structure or uses between the building and the two streets that the property is adjacent to." A rear yard is specified on corner lots and interior lots as, "The rear yard shall in all cases be the opposite end of the lot from which the front yard or from the front yard, one-half the alley with may be considered part or adjacent to the rear yard."

Mr. Orth felt that forming a subcommittee with representatives from the City Council, the Planning Commission and staff could write the language needed to ensure that the City's wishes are clear.

Ms. Jones-Lacy encouraged the Commission to keep the item moving forward and to not let the discussion linger.

Mr. Kohles felt there was agreement in that the code language that new construction should be done to blend in with the existing neighbors. He added that he liked the Kansas City definitions, but didn't feel the language could be applied to all lots in Roeland Park. He didn't believe a task force needed to be appointed and would like to see the matter move forward, but volunteered to be a part of the group and invited Mayor Marquardt to participate. Mr. Marquardt couldn't firmly commit as he has a lot of items, both profession and personal, that he is working with at this time.

Mr. Orth moved, seconded by Ms. Mohart, to form a group consisting of Mark Kohles, Mayor Joel Marquardt and City staff to come back and present to the Planning Commission new definitions and ordinance changes by the next meeting. (Motion carries 6-0)

2. Metal Roofs on Residential Property

Julie Mohart noted that the information that was sent out included sample language from different cities.

Paula Gleason stated she could agree to steel-coated material that look like shingles and the simulated wood shakes, but did not like the standing seam roof option for residential homes

Linus Orth agreed with Ms. Gleason, but added he liked the imitation clay tiles.

Kyle Rogler didn't mind the standing seam roof. He then read the new definition into the record. "Exterior finish building and roofing material shall be based on the quality of its design, relationship and compatibility to building materials in the immediate neighborhood." He felt that a metal roof is fine as long as it contextually looks like something else, but agreed that no corrugated metal should be allowed. He did feel that the luster such as from a copper roof should be discussed adding, "Non-

glass exterior surface of the dwelling shall not be made of shiny metal or other highly reflective materials and shall, in general, not reflect light to a greater extent than a coat of semi-gloss enamel applied to wood.” He stated that copper can be highly reflective, but does develop a patina over time.

Ms. Mohart felt that copper over windows, abutments, front doors were not an issue.

Mr. Rogler discussed the importance of matching surrounding structures.

Mr. Kohles was in favor of the standing seam as long as color choices blend in with the surrounding structures noting that standing seam works well with low slope conditions.

Ms. Gleason questioned the noise associated with rain or hail and its effect on neighbors. Mr. Kohles acknowledged standing seam can be noisy, but felt it was located to the house it was on. He stated he would want to research the noise effect of a standing seam roof.

Ms. Mohart and Mr. Orth discussed the permit process for a roof and the utilization of foam decking board to minimize noise.

Mr. Kohles suggested that with a standing seam roof a waterproofing membrane and insulation board should be utilized.

Mr. Orth said there should be a provision that if standing seam is used, insulation or sound dampening board must be installed underneath.

Ms. Jones-Lacy said staff would review the noise factor issue on standing seam roofs and its effect on neighbors outside. She asked if there was agreement on the definition as it stands or if there were any other concerns other than the noise factor potential from a roof.

Mr. Orth recommended that noting roof colors should be part of the permit process for future reference.

Ms. Jones-Lacy added that the metal roofs will be a topic included in the Public Hearing.

3. Special Event Definition

It was noted there were issues regarding potential signs at St. Agnes Church and some residents were concerned that what the City originally deemed as yard decorations were actually signs and exceeding the maximum number allowed. A change to the definition would address the concern and allow any special event, including the one the church has every October, to fall within this definition and give them a little bit more leeway.

Ms. Jones-Lacy stated that the Mayor would like to see an alternative way to address the issue other than changing the Special Event definition. It was determined the primary issue the display of banners in addition to crosses, which the Mayor believed was the impetus for certain residents to call the crosses signs or banners, because banners are signs that have a specific message. Therefore, with the banners being in close proximity to the crosses, it elevated the crosses to signs. One suggestion the Mayor made was to move the banners to different location on the property in the hopes that would eliminate that concern. He hoped to have a conversation with church. City Attorney Shortlidge discussed with Mayor that he didn't think separating the banners and crosses would resolve the issue in the minds of the residents.

Mr. Kohles felt the complaints were from one or two residents. He felt that the opinions of others should be respected and that rewriting the ordinance language would be a lot of work due to the complaint of one or two individuals.

Ms. Gleason noted that the signs have been there many, many previous years.

Mr. Orth clarified the situation noting that some people are complaining about the annual pro-life event at St. Agnes.

It was noted that the church was not in compliance because the signs are too big and having crosses next to the sign amounts to 50 to 60 signs. He added the area is residentially zoned and the code allows for three temporary signs. There was discussion in regards to changing from a special event versus a temporary sign under the non-profit organizations.

City Attorney Shortlidge said eliminating the number limitation would be applicable assuming the church was willing to go after it as a special event. He noted that Mayor Marquardt has not had conversations with the church. He also added that there is a possibility of potential claims that church might make under a federal statute that protects religious expression.

Mr. Kohles noted that the church was different than a residence.

City Attorney Shortlidge added that the City is not going to eliminate the complaints, but bringing the church into compliance with the code would help.

Mr. Orth believed bringing the church into compliance is the best solution.

Ms. Gleason noted that not-for-profits were not in the definition of special events. Mr. Shortlidge noted it was covered under a Type 1 Special Event.

Mr. Orth suggested that no sign exceed four-foot above grade and to take away the three square footage limit.

Ms. Gleason noted that if people are doing something outdoors, the event has to be between 8 p.m. and 11 p.m., but does not apply to signage.

Mr. Orth noted that special event signs are different than temporary yard signs and are not limited by size. Mr. Kohles didn't see a reason for a size restriction as there have been no issues. There was Commission discussion regarding the height and length size restrictions and the length of time for display.

Mr. Rogler noted the church might view the restrictions as a burden on their religious expression. City Attorney Shortlidge felt it was more productive for the City to place restrictions on square footage or length or height of banners.

The Commission then agreed on an 8-foot length and 4-foot grade of banners. Ms. Jones-Lacy will have this item as part of the public hearing.

Mr. Orth wanted to ensure that all lines of sign and not obstructing traffic rules still apply in determining the placement of the signs.

4. Sustainable Code Review – Mark Kohles

Mr. Kohles noted that at the last meeting MARC had presented the Sustainable Code Framework and Community Audit. Appendix A contains a number of questions about properties in Roeland Park and their current status. As for questions regarding North Johnson Drive he noted that the design guidelines were produced in 2009 and approved as part of the Comprehensive Plan by the Planning Commission and City Council in 2012.

City Administrator Otto provided a status update on the upcoming major projects. He noted that the West Cloverleaf has just finished its second phase of the traffic study to determine if a non-signal full interchange break could be put in on the north part of the cloverleaf. Olsson Associates and Shafer, Kline and Warren (SKW), engineers for the City, have both stated that yes, an interchange would work. The area will need to be monitored for safety and an accident history for the area is needed. Mr. Otto reported that the issue will be coming back to the Governing Body in February and that SKW and Commerce Bank will also be present. He also added that Commerce Bank is actively looking for a co-tenant at their site.

After approving the interlocal agreement with Mission, the joint task force that was established will be meeting to start the visioning process looking for the highest, best use of the property. They will also be working on the issues of having two taxing jurisdictions, on-site utilities and other items that may arise.

Mr. Otto noted the new property owner of the 47th and Mission corner will bring to the City Council plans to raze the two buildings that face Mission Road, two buildings that face 47th Street/County Line and the first house on the east side of Canterbury. After the demolition is complete the owner will look to re-platting the area into one plat and change it to all commercial. The new owner has stated publicly that he is looking into a restaurant concepts for the site. As it stands the property has numerous maintenance issues and code violations to which the Governing Body agreed to give the owner until April 1, 2015, to demolish the buildings or to resolve the property code violations.

The Old Pool site is being discussed by the Mayor's volunteer architects group who have working on different concepts looking to utilize and incorporate the existing caves. The issue is to find an interested party to provide the backing for such a project.

Mr. Otto noted that with the size of City staff, the projects they're working on, a lot of the staff is at capacity working on getting pre-site and final plans ready for approval.

He also added that there is no news on the Walmart Shopping Center and people are not moving forward with potential projects until Walmart's future is known. There has been talk about the existing strip centers in the back expanding and potentially adding another pad site next to Taco Bell.

The owners of Bella Roe have potential developable lots at 50th Terrace and Cedar, but do not appear to be interested in developing that site.

Mr. Kohles stated he has been reviewing the code trying to find ways the City can be more proactive with some of the sites. His review focused on the retail areas, single family, duplex and double-residential looking at ways to improve parking, landscaping streets. Mr. Rogler has looked at the MXD and believes it is a good baseline code and that it leaves a lot of discretion to the Planning Department. He discussed parking designs in relation to building entrances noting a need for increased walkability in the area. There was also discussion of a shared parking ordinance and the benefits of a parking district. As parking is a persistent problem in the 47th and Mission district a shared parking district would be of benefit to the area. Mr. Rogler also recommended that setbacks for mixed use need to be determined and mentioned groups such as the Congress for the New Urbanism, Smart Growth and Jeff Speck are very keen on how buildings interact with the street and work to encourage walkability within cities.

Mr. Orth expressed interest in the shared parking idea and Mr. Rogler noted it helps avoid the need to have set parking spaces per business. Mr. Orth noted that discussions needed to take place to determine how to encourage businesses to become part of shared district, taxes on shared parking spaces for those not participating and possible tax incentives for businesses who participate.

V. Other Matters Before the Planning Commission

Mr. Rogler stated that he and Ms. Jones-Lacy and Public Works Director Leon attended the Regional Bike Plan Network Open House at the Mid-America Regional Council. At the meeting a draft plan was introduced on plans to form a regional bikeway network that connects all of Kansas City. Some of the regional areas that would pass through Roeland Park would be Nall Avenue, 51st Street, County Line Road and Lamar. It is too early in the process to act upon adopting streets as a regional bikeway, but MARC encouraged the City to develop their own bike plan and to work with surrounding cities in possible connections.

Mr. Orth recommended looking at streets in the City that could be considered for the program and possibly having dedicated bike lanes on major streets such as Roe Boulevard. He did feel that narrow streets such as County Line would not make for a good bike route.

VI. Tentative List of Public Hearing Items for February 17th Meeting - Informational

- 1. Concrete Definition** – New item to be presented
- 2. Setbacks for Detached and Accessory Structures**
- 3. Sign Ordinance Changes and Grammatical Edits**
- 4. Yard Definitions** – Can be removed as part of previous public hearing
- 5. Metal Roofs on Residential Property** – Will have a proposed draft and research on the noise factor and possible neighbor impact from standing seam roof
- 6. Special Event Definition Changes**

VII. Adjournment

Ms. Mohart moved, seconded by Mr. Kohles, to adjourn. (Motion carries 6-0).