

**Minutes**

The Governing Body of the City of Leawood, Kansas, met for a Special Call Meeting at City Hall, 4800 Town Center Drive, at 6:00 P.M., on Monday, February 5, 2018. Mayor Peggy Dunn presided.

**Councilmembers Present:** Jim Rawlings, Julie Cain, Andrew Osman, James Azeltine, Lisa Harrison and Chuck Sipple

**Councilmembers Absent:** Debra Filla

**Staff Present:** Scott Lambers, City Administrator  
Richard Coleman, Comm. Dev. Director  
Chris Claxton, Parks & Recreation Director  
Debra Harper, City Clerk  
Patty Bennett, City Attorney  
Mark Klein, Planning Official  
Cindy Jacobus, Assistant City Clerk

**Others Present:** Michael Berenbom, LANE4 Property Group  
Seth Freiden, U.S. Toy  
Mary Larson, Councilmember-Elect

**Discuss Self-Storage Facility Use**

Mayor Dunn welcomed attendees and introductions were made. She stated Councilmember Debra Filla was unable to attend and Councilmember-Elect Mary Larson was present and would be installed at the Governing Body meeting scheduled for 7:30 P.M. tonight.

Mr. Lambers stated self-storage facility use had been briefly discussed at a Governing Body meeting. At that meeting he had stated the Leawood Development Ordinance [LDO] developed in the late 1990s and adopted in 2000, is silent on self-storage facility use. Mr. Lambers was not with the City when the LDO was developed, but he assumed omission was deliberate to preclude self-storage facilities in the City. Until recently, there had been not been much conversation in this regard, but several different entities have approached the Leawood Chamber of Commerce and the City about the possibility of allowing these facilities.

Mr. Lambers stated tonight's discussion would probably move through two or three paths, and he would use the whiteboard for illustration and clarity. The first consideration would be for a clear cut "Yes" or "No" for the use.

If the Governing Body prefers to continue the prohibition with “No” use allowed, then an LDO amendment could be used to explicitly prohibit or a motion brought forth at a Governing Body meeting to re-affirm the use is not permitted by omission in the LDO. If the Council strongly desires to prohibit, he recommends an LDO amendment rather than rely on memory. If the LDO is amended to prohibit and a future Council wished to allow the use, an LDO amendment would be required.

If the Governing Body prefers “Yes” to allow the use, the next issue would be zoning and permitting, and the potential need to limit through specific zoning categories. Mr. Lambers stated if the use is allowed, he would recommend limiting to Business Park [BP] zoning, and perhaps further categorization of location within BP to designate three types: prohibited use, allowed with a Special Use Permit [SUP], or always allowed without SUP through the planning process. Categorization designations could be BP1, BP2 and BP3. If the use requires an SUP, the City can mandate certain improvements are made to the property.

Mr. Lambers referred to photographs of local and nationwide facilities provided in the documentation handouts. He stated the Governing Body should also consider the type of facility, outdoor and climate-controlled, as these have a very different impact on property. Outdoor facilities typically have garage doors for access, storage areas for recreational vehicles and boats, and may have a perimeter wall or fence, while climate-controlled facilities usually do not have these. The doors of climate-controlled facilities typically have less of a visual impact.

Mr. Lambers requested Governing Body members with strong inclinations share their views. Then, if a majority of majority of members want to allow the use, the discussion can continue. He stated the subject is familiar to all and with little ambiguity.

Mayor Dunn thanked Mr. Lambers for his presentation and she asked Mr. Coleman to address the additional handout that had been supplied at the start of the Work Session.

Mr. Coleman stated the second group of pictures had been provided today by LANE4 Development and are of storage facilities across the United States.

Councilmember Cain inquired if there are other types of storage facilities. She stated there is a new generation of facilities in large cities such as New York and Portland, far different from the examples presented in the photographs. This type of climate-controlled facility utilizes labeled storage bins. Bins are labeled so an individual can request a specific container be retrieved upon request. She pointed out that one in three Americans utilize a storage unit and basements are common in Midwest.

Mr. Lambers inquired if the type of facility mentioned by Councilmember Cain was similar to those with pod-style metal containers that are packed and transported. Mr. Coleman acknowledged there are some facilities that are geared to services that will pack and transport. Councilmember Sipple suggested Councilmember Cain’s example was similar to services provided by Iron Mountain. Councilmember Harrison stated this would be where an individual can store a small amount containers rather than rent an entire storage unit.

Councilmember Rawlings inquired how many requests for use had been received. Mr. Lambers stated five to seven requests were received in the past year and in meetings it was made very clear the use was not permitted per the LDO.

Councilmember Sipple pointed out the City has two BPs, one at 103<sup>rd</sup> and State Line Road which floods and would probably need to be raised out of the flood plain, and the other at 143<sup>rd</sup> and Kenneth Road. Mr. Lambers stated 103<sup>rd</sup> and State Line Road is not a true business park. Mr. Coleman stated most of the 103<sup>rd</sup> area is in the flood plain and the finished level of a building would need to be raised about two ft. above the flood plain, a total of about 4 to 5 ft. above grade. Another option would be for the business is to waterproof. The new Larson building was waterproofed to a height of 50 to 54 inches. Ferguson Plumbing also waterproofed and during the 2017 Spring floods the business had no water in the building, just minor seepage at the flood door. Waterproofing does seem to work, but is an added expense. Of the use inquiries he has received, one was quite some time ago in BP and the rest in SDCR general retail areas.

Councilmember Osman stated he would need to leave at 6:45 P.M.

Councilmember Osman stated the issue is what is trending in self-storage. Developers of these facilities indicate Kansas City is using an antiquated model. Facility designs have become more modern and self-contained. The new high-grade models are completely different from the examples provided in the meeting documentation. In his profession, business documents must be kept. He stores these documents in an off-site climate-controlled facility, which is close to his home and business. Humidity and the temperature are maintained in insulated climate-controlled facilities, while the humidity and temperature of outdoor storage facilities are at ambient levels. Climate-controlled facilities are the norm in Florida and Arizona, and now in Kansas City. He stated a single-level, climate-controlled indoor unit and outdoor storage facility had been constructed at 91<sup>st</sup> and Metcalf at the former HyVee site. HyVee had sold and consolidated two of their properties. The new developer was allowed outside use by the City of Overland Park. The indoor facility is walk-in and does not have the appearance of a self-storage facility. Vehicle access can be located in the back. In the past few months, developers have approached Overland Park and Lenexa about these facilities. A facility has been approved for Shawnee Mission Parkway, Metcalf and Interstate 635, the gateway to Overland Park, where a corner hotel will be demolished and rebuilt, and a self-storage located behind hotel. Lenexa has approved the construction of a three-story self-contained facility on a small parcel of property near a bridge at the southeast corner of 87<sup>th</sup> and Quivira. He stated self-storage facilities would not be the best use on 135<sup>th</sup>, the City's gateway, next to businesses such as the Church of the Resurrection or Charles Schwab who would not want, but it would be nice to have low visibility facilities near residential areas rather than in BP.

Councilmember Cain asked if a specific description was needed and if climate-controlled facilities limit drive-up access and garage doors. Councilmember Osman noted that in one photograph example, some doors can be seen from the third-level of the facility. Councilmember Sipple stated garage doors are not used on climate-controlled facilities because climate must be maintained in a closed building.

Councilmember Rawlings noted a three or four story building would be visible. He questioned the rationale of a business desiring to locate a facility in the known flood zone at 103<sup>rd</sup> and State Line Road. The area has flooded many times. Businesses there continue to worry and the City lost thousands of dollars. It would not be a prudent decision by the City to allow such use in a flood zone. Councilmember Rawlings asked Councilmember Osman if he would recommend the site to a potential business client.

Councilmember Osman stated it would be best if a self-contained waterproofed storage unit was located there rather than have Larson bring in a residential home builder. A photography studio he represents had wanted to be in the area of Interstate 435 and State Line Road because of good accessibility, and the studio was willing to raise the area out of the flood plain, but the project did not move forward because the area is not flood proof. He suggested the Governing Body start with a “Yes” or “No” to use, and move forward with zoning and specific categories/designations with zonings, if the use is wanted.

Councilmember Harrison inquired if the City could limit parameters such as height, signage, gates, fencing and building design if the use was allowed. She stated the outdoor storage facility in Martin City, Missouri, looks very tired. Photographs of storage facilities provided by LANE4 have a better appearance than some office buildings in Leawood that are showing wear. She does not favor four-story buildings. Mr. Lambers stated it would be possible to have options through a zoning categories with special limitations, or through SUP evaluated on a case-by-case basis. He suggested the Council address what is a permissible use and then, if needed, impose more stringent requirements based on location. He stated 103<sup>rd</sup> and State Line Road abuts residential, so building height may need to be limited. The height of a facility located at 143<sup>rd</sup> could be more generous as residential is located at a distance. Mr. Lambers reminded the LDO amendment process requires 90-days through a planning application submitted to the Planning Commission. Council would need to direct City Staff to prepare notifications and the approval process would be followed.

Councilmember Sipple pointed out the likely impact on sales and property taxes between an office building, such as the Cocherl Buildings, and a storage building, similar to Coors Distributing. He stated the 91<sup>st</sup> and Metcalf area had attracted shoppers, and the storage facility probably does not generate business traffic. He anticipated an office building would be of greater benefit. Mayor Dunn stated the valuation of a building is the basis for property tax. Mr. Lambers stated a sheet metal building would typically generate less in property tax. An office building would have a secondary benefit of generating additional revenue from office workers who shop near work. Councilmember Rawlings questioned the impact on the Cocherl Buildings if a storage facility was allowed nearby. Mr. Lambers stated that would be a question for the Johnson County Appraiser, Mr. Paul Welcome. Councilmember Osman stated the 91<sup>st</sup> and Metcalf area could not bring in a 60,000 to 80,000 sq. ft. big box business on an arterial or secondary road.

Mayor Dunn stated storage near the Cocherl Buildings should be prohibited and she inquired about the vacant areas at the site. She stated the desire for high-quality and potential placement closer to the bi-state line. Mr. Coleman stated the Coors Distributing expansion has taken up most of the area on the east end, but two small cul-de-sac lots located to the north were available. There is other residential in the area, condominiums, duplexes and triplexes, and an inquiry about the set-back line and replatting of the property had been received. Councilmember Sipple questioned the benefit of locating facilities near a competitor just to the east. Mr. Coleman stated there may be a different market niche in the area compared to the facility in Missouri. Typically self-storage businesses want highway visibility; location near Interstate 435 would be ideal.

Councilmember Osman inquired if the City would be able to designate the zoning of a parcel of ground within a district. Mr. Lambers stated the City could create multiple BP categories within a BP zoned area that would prohibit self-storage use and allow self-storage use with/without a SUP, effectively dividing the zoning of a BP. For example, two categories could be used to bisect the 103<sup>rd</sup> and State Line Road BP north-south, with the use prohibited on State Line Road frontage.

Councilmember Cain inquired about the total height of three and four story buildings and for an estimate building height limits at both 103<sup>rd</sup> and Kenneth Road. Mr. Coleman stated building height limit would be 35 to 40 ft. in both areas, which equates to a maximum of three-stories. Councilmember Sipple pointed out that about 6 ft. of fill would be needed at 103<sup>rd</sup>.

Mr. Coleman cautioned that the discussion should not focus on aesthetics, but on land use. Control of aesthetics is a legal issue and developers typically work with the City in this regard. Ms. Bennett confirmed to Mayor Dunn that aesthetics are a legal issue even with a SUP. Ms. Bennett stated illustrations of what is allowed and not allowed could not be used in the LDO. Definitions in the LDO are difficult. She stated the City could prohibit outside garage doors.

Councilmember Cain noted that although climate-controlled facilities may not utilize garage doors, they could use bold business branding colors. Councilmember Rawlings pointed out the appearance of the corporate branding of a franchise storage unit located on the top of a hill at Southwest Boulevard and Rainbow. Ms. Bennett stated the City has sign standards that limit size and visible or large storage unit doors could be prohibited, but there could be problems dictating color elements. There have been varying results in such negotiations. She stated business logos are allowed in the City; the Cancer Center was the first example of this.

Mayor Dunn asked Ms. Bennett how specific a SUP could be. She expressed concern that Ms. Bennett would be embroiled in continuous negotiations. Mayor Dunn asked what language could be put into the LDO. Ms. Bennett stated she would work with Mr. Coleman on suggestions for the Planning Commission and Council consideration. She confirmed that currently the LDO prohibits any use that is not expressively allowed.

Councilmember Cain stated she could not support the use because of the multiple layers of tight controls needed to limit size, height, visibility of garage doors and colors, some of which cannot be legally done. If the use is allowed, facilities should be climate-controlled in BP, with designated areas permitting and prohibiting within the BP, and with SUP on case-by-case basis.

Councilmember Cain asked if metal buildings are permitting in BP. Mr. Klein stated metal building bodies are not allowed, but roofs could be metal. Councilmember Cain inquired if a metal roof in a business corporate color such as an orange would be allowed. Mr. Klein stated this is not addressed in the LDO and typically the Planning Department works with businesses in this regard. Mayor Dunn pointed out the residents in the 103<sup>rd</sup> area would look down upon the roof of a self-storage facility placed at that location.

Mayor Dunn asked other members to offer their opinions.

Councilmember Azeltine stated he was against the use. Leawood has 33,000 residents in a metro of over two million people, with storage units located throughout the Kansas City area. The City is landlocked and the use would not be in keeping with the quality of the City and best for the precious open space that remains. He stated it was wise that the use had been omitted from the LDO and favored an LDO amendment to clearly prohibit. If the use was added to the LDO, it would be only a matter of time before the City would be requested to allow in other zoning districts, not just BP.

He pointed out the HyVee and prior Schnuck's at the 91<sup>st</sup> and Metcalf had struggled, and placing a self-storage at that location was a last ditch effort. He questioned the ease of conversion to another purpose should a self-storage business fail. If Governing Body consensus supports the use, he would only allow climate-controlled units, in BP by SUP.

Councilmember Harrison was open to the use in limited places restricted to climate-control facilities only with SUP, offering areas such as 105<sup>th</sup> and State Line Road an alternate option to retail. She stated Class A real estate would have located at 105<sup>th</sup> by now. The Cocherl Buildings are located on a lovely section of property near Kenneth Road, but she would allow the use one-quarter of a mile away. It is not up to the City to decide if 103<sup>rd</sup> is feasible for self-storage or if these businesses would make a profit. She wanted to be able to say the City had considered the use.

Councilmember Sipple stated he was against the use, but if the use was allowed it should be climate-controlled in BP only with SUP, with control over advertising and garish signage.

Councilmember Rawlings inquired if residents, rather than businesses, had approached the City for this use. Mayor Dunn stated she had some residents approach her with concerns about the City's former HyVee site at 123<sup>rd</sup> when the HyVee at 91<sup>st</sup> and Metcalf became a climate-controlled facility,

Mayor Dunn stated the City has only two BPs and layers of limitations would be needed. She had been leaning toward allowing the use, but would want a facility at 103<sup>rd</sup> located out of sight and she does not favor the signage. She stated others invested in the areas would have thoughts and comments. The City has limited open space and development of 135<sup>th</sup> must be done right.

Councilmember Azeltine offered that no visibility is an indicator that such facilities are unwanted.

Mayor Dunn thanked City Staff for documentation and everyone for informative discussion. She summarized that a majority of the Governing Body wanted the use to remain prohibited. Mr. Lambers stated direction could be given at the Governing Body meeting following the conclusion of the Work Session under agenda topic "New Business." Mayor Dunn stated the agenda for the Council meeting would be amended.

Councilmember Cain inquired if she could share an update on the Banner Selection Committee's work and their request for Council input. Ms. Bennett confirmed this would be acceptable, but it may be best presented as a Staff or Councilmember Report at a Governing Body meeting. Mayor Dunn stated this would be a Councilmember Report at a Governing Body meeting and a potential topic for a Governing Body Work Session. She stated the Governing Body does not want to do the work of the committee, but would be open to see a short-list of three potential vendors. Councilmember Cain stated she would raise the topic at tonight's Governing Body meeting;

Mayor Dunn confirmed she would add a Councilmembers' Report by Councilmember Cain as an amendment to the Governing Body meeting agenda.

There being no further business, the Work Session was adjourned at 7:14 P.M.

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Debra Harper, City Clerk

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Cindy Jacobus, Assistant City Clerk