

**City of Leawood  
Planning Commission Work Session  
Comprehensive Plan / Census Data  
LDO Amendments / RV Parking, Interior Setbacks and F.A. R. Amenities  
Tuesday, August 9, 2011**

Mr. Klein: Tonight, we wanted to talk a bit about the census data and update the current Comprehensive Plan. We just recently received the data from the US Census, and what you have in front of you is an update to that section of the Comprehensive Plan. After that, we want to talk about an upcoming LDO amendment or two that you might be seeing.

Mr. Rexwinkle: What you have before you on paper is the demographic section of the Comprehensive Plan. Generally, the narrative is the same but with updated figures. We took a lot of the tables from the current Comprehensive Plan and replaced them with visual graphics to make it easier to read. All these updated numbers are based on the 2010 Census, which was released in basic counts late last year and on Summary File One, which is the first chunk of data released in May.

Some of the high notes of the 2010 Census are on the first page. The total population of the City of Leawood is 31,867 as of April, 2010, which is an increase of a little over 4,000 from the 2000 Census. That is a slight decrease in total numeric population change from the 1990 Census when it increased approximately 8,000 between 1990 and 2000. You can see the rate of growth expressed in percentage terms for each census year for the previous decade. From 1960 to 1970, the population grew about 38%. It took a slight dip in 1980 and then increased again in 1990 and 2000. You can see that it has dropped off since the year 2000. In the past ten years, we've grown at a rate of 15%. However, according to the 2010 Census, Leawood is one of the 25 largest cities in the state and the eighth fastest growing even with the drop-off.

This chart attempts to compare the City of Leawood's rate of growth as compared to Johnson County's rate of growth and the State of Kansas. For ease of use, Leawood is the green bar in all the charts. It shows from the 1970s to 2000, Leawood grew at a faster rate than the county and a much faster rate than the state. In 2010, for the first time since 1970, Leawood grew at a slower rate than the rest of the county. Johnson County grew 21% in the past ten years while Leawood grew 15%. The state's rate has generally slowly increased each decade and is somewhat remarkable because 9% of 1990's population is a much greater numeric increase than 5% of 1980's.

Comm. Elkins: Joe, have you had a chance to estimate why there is this change in the rate of growth? Do you think it is because Leawood is largely built out, or do you think it is the economy?

Mr. Rexwinkle: We think it is largely because we are built out. Other cities in the county that have continued to grow at a faster rate have annexed a lot of land. I don't know when we last annexed.

Mr. Klein: Probably in 2000 when we did the portion with Cornerstone.

Mr. Rexwinkle: Overland Park, for instance, has annexed a lot of land recently. That adds a lot of residents and potential for new development. Also, much of the residential development requires quite a bit of space. Since Leawood is space constrained, we expected the decline, and we expect the trend to continue.

Comm. Jackson: Do you make any comparison with new building permits?

Mr. Rexwinkle: We are actually in the process of gathering the building permit data from city records, and we'll have it at a later update. I can tell you that the past few years have generally declined, but I don't have all the permits, so I can't give you an exact number at this time.

Mr. Coleman: As it gets built, we have less and less residential property to develop. The permits are going to be less; population growth will be less. It will all slowly go down.

Comm. Pateid: When you're done, you're done. Does this percentage rate of growth have any influence on either state or county legislative activities or funding?

Mr. Rexwinkle: I don't believe the percentage rate of growth is tied to any rate of funding or any type of state legislation.

Comm. Pateid: It's an interesting statistic, but it doesn't really have any influence.

Mr. Rexwinkle: Yes, it is just a general trend, which is what everyone most likely expected as we've neared build-out. One of the possibilities that might change it is the fact that so much of the land that is still undeveloped is designated for mixed-use development, which does require 20% floor area residential. That is a policy change that might allow us to gain additional population as demand increases for that type of development.

Mr. Klein: The only single-family places we have now that have a substantial amount to still develop are Leabrooke, which started development at 146<sup>th</sup> and Kenneth road, and a subdivision located across Mission and 151<sup>st</sup> Street called Mission Heights. It was platted back in the '60's for a subdivision, but only a few houses along 151<sup>st</sup> and Mission Road were built with the interior of the subdivision not developed at all, including streets. That piece of land has a number of constraints that go with it: the topography is challenging, and it also has the power lines just as Leabrooke had. Usually once a year, someone comes in asking about the potential for developing it. So far, no formal application has been made to develop the land.

Mr. Rexwinkle: Something we might look at doing down the road is trying to provide an inventory of available land that is zoned single family to try to get a breakdown of what we can expect as far as potential numbers of population increase. We might be able to do that with future development reports and such that we will be working on.

The rate at which Leawood is absorbing the county's growth is 4 ½%, during the last decade. Since 2000, the county gained 100,000 people, and the city gained 4,500. We were absorbing more of the county's growth in the previous decades when we had the capacity to do so. Now that our capacity is constrained, that number is also dropping.

Now we can move on to household statistics for the city. In the 2010 Census, there are 12,384 total units, 95% of which or 11,781 are occupied; 604 units were vacant. This is a highly variable statistic. Generally, you can see that those numbers are fairly consistent over the past three decades with 95-97% occupancy rate. There was a slight decline in 2000 of 2%, which might simply indicate greater demand and the market not keeping up with the demand with available housing units.

Housing occupancy by status differentiates between owner occupied and renter occupied. In 1990, the breakdown was about 97% owner occupied and 3% renter. That increased to 7% renter in 2000, and it's a little over 7.6% in 2010. Most of the increase in renter-occupied housing occurred between 1990 and 2000.

Generally, the trend we're seeing in household size is a decline for a number of reasons: fewer households with children and fewer children in the households that have children in them. It declined from 3.26 in 1970 to 3.31 in 1980 and has further decreased to 2.70 in 2010. These are very consistent with national trends. I believe the state is slightly larger than this at about 3% this decade and that the nation is

slightly smaller than the state. We are within .10% of state and national averages on household size. This is another reason the numbers we saw at the beginning will continue to decline if this trend continues.

The Census Bureau breaks down ages in five-year increments up to the age of 85, and then everyone over 85 is in one group. We are able to break it down in greater detail, but for the purposes of trying to stick with the format used by the last Comprehensive Plan and break it down by school age, career age and retirement age, we are looking at it this way. You will see that the elderly population over 85 is only 2.1%. While that is a small percentage of the population, you can see that it has doubled in the last ten years in Leawood. That is in line with national trends as people are living longer. The retirement age of 65-84 has also increased about 1 ½%. We believe that the increase is reflective of the baby boomer generation starting to enter retirement age, which explains why the career age is slightly declining. School age and below has also gone down, and we believe this is because the children of the baby boomers are moving into career age, however, they are not replacing the number of people leaving the career group, which is why the career group declined. The children group has consistently declined since 1990.

Comm. Elkins: You probably don't have enough numbers to make this statement, but I'll ask anyway. Is this indicative that our population is choosing to stay in Leawood as they move from career age to retirement age?

Mr. Rexwinkle: We could compare it to other cities and the state and national averages on that specific age group and try to glean a general opinion. There could be a number of reasons for the numbers. Probably, the fact that people are staying put more and more has something to do with it, but that is also a national trend. I wouldn't be surprised if the national numbers are consistent with the cities.

Comm. Elkins: It will have an impact on what we do as a city in terms of services and the character of the services. We talk about bike paths; we may need to talk about wheelchair paths, although I say that somewhat facetiously. The service mix may change dramatically.

Mr. Rexwinkle: Another thing we can do moving forward is to break down those numbers by the five-year increments, which will give you an idea of how many people are getting ready to move into the retirement age group as far as total numbers in the next five to ten years.

Comm. Jackson: What will change for Leawood as people get more elderly, people have fewer kids, and even those with families don't necessarily want that big house? We have so many big houses in Leawood. How do we incrementally allow for change to maybe more elderly housing or smaller housing?

Mr. Rexwinkle: That is mostly why we are doing the demographic section first. That way, when we change other sections of the Comprehensive Plan, we can consider whether or not numbers like this should affect policy. Moving forward, it is possible that you may have to consider different housing types to accommodate the aging population in order to keep them in Leawood because they may not want to maintain houses that large.

Comm. Neff-Brain: Where is the land to put the new type?

Mr. Rexwinkle: Exactly.

Mr. Coleman: I think you'll see people staying in place and modifying homes to accommodate whatever needs they have. You see people doing more remodels, additions or changes rather than buying a new house.

Mr. Rexwinkle: That is also something we can get in the permit data. I am working with Kristein in our department on gathering new construction permits versus remodel permits because, in a lot of cities, we

have heard that their remodel permits are actually increasing considerably faster. New permits tend to be decreasing in most places.

Comm. Pateidl: You can't recover your investment out of your house now if you sell it and move to a new one. It's kind of a dicey move, and psychologically, it's difficult; therefore, you remodel.

Mr. Coleman: They are still doing tear-outs up north, but I would not be surprised if a lot of those ranch homes become more attractive to people as they retire because they could remodel and put it all on one floor. I know an attorney who did just that. It fits what they need.

Comm. Elkins: I guess the other possibility in terms of making inventory available to older folks that want to downsize is a lot of this mixed use that we've been talking about for years. Rather than focusing it up on the larger, upscale side in terms of size, bring it down. I don't know how the economic model would work on that.

Mr. Coleman: That is true, but we'll probably look at the 135<sup>th</sup> Street Corridor because most of it is mixed use. With the land area, we just use a base of 20% and can calculate how many units are within that corridor once it's all developed.

Mr. Rexwinkle: The only other statistic as far as age at this point is the median age, which increased from 41.3 to 44.7, which is a little higher than the state and national averages. I believe the state is now at about almost 41. The county is actually a little below 40.

Regarding race and ethnicity in Leawood, Johnson County, and the state, the majority of the population in all three jurisdictions is white. It's important to note that the Census Bureau differentiates people what race or ethnicity they claim. For instance, people can claim to be white only and or two or more races, one of which may be white. People can also choose another race if the race they identify with is not among the selection of races offered by the Census Bureau. This is somewhat different than the way it was done in 1990 and also 2000. It can be difficult to compare with historical data for that reason. In Leawood, the largest minority group is those claiming to be some other race, at 4% of the population.

Comm. Jackson: Are there statistics on upcoming career workers who are in their late 20's and early 30's? Do they want to live in such a white area? Is that a negative for them?

Mr. Rexwinkle: I don't know if there are statistics. I've seen some anecdotal reports that are somewhat mixed. What I've read is more about access to certain cultural amenities, transit, shopping, dining and work. I really haven't seen too much about race and ethnicity. I haven't found anything based on any statistics.

Comm. Jackson: The little that I've read is that they're looking for more diversity.

Mr. Rexwinkle: I have seen that term used. That might be something we can look into more; the census does not provide that information.

The trend of the minority population, which we consider non-white for the purposes of the Comprehensive Plan, has increased since 1990. In this time, Johnson County's minority population has tripled from 4.6% to 14%. Leawood's has doubled in that time from 3.4% to 7.7%. We're a little over half the amount of Johnson County in terms of percentage. The state, at 16.2% in 2010, is slightly higher than the county and higher than Leawood in all three census years. This is a steady increase over the past two decades. It is still less than the United States' overall population, which is at 26% minority population.

This also includes some economic data regarding per capita income pulled from 2009 estimates from the American Community Survey of the US Census Bureau. We expect these to be in Summary File Two coming out later this fall. We have included these for comparison purposes. They show that per capita income has increased from \$34,000 to \$60,193 for Leawood. This is higher than Johnson County and

Kansas, which is generally consistent with the United States. Johnson County is considerably higher than the state average, but Leawood is even higher than the county's average.

The median household income is a measure of the income of combined households, so it is higher because of two spouses. The number has increased at roughly the same rate that the per capita income has increased. The 2009 estimate was \$127,162 for median household income.

Comm. Pateidl: Was the denominator on the per capita income dedicated to the wage earner section, or is it total population?

Mr. Rexwinkle: This is total population.

Comm. Pateidl: This would include children?

Mr. Rexwinkle: No, I'm sorry; the per capita income is based on people 16 and over, as is the median income. That doesn't matter on household income because they're probably not working anyway.

Educational attainment is based on 2009 estimates from the Census Bureau; they should be out later this fall. The Census Bureau asks highest level of education completed. As of 2000, the results showed that 68% of Leawood residents had at least a bachelor's degree, which is higher than the state and 24% higher than the county. The estimates are that the number has increased about the same rate that it did between 1990 and 2000, but you can see that the county is estimated to have increased a bit faster.

The last bit of information for demographics is estimated employment by occupation for Leawood residents 16 and over. Generally, it is what most people would expect. This is residents in Leawood who work and not total jobs in Leawood. It shows Leawood residents employed in a professional, scientific, management or administration position, which is at 17.8%. The largest group is educational services, health care and social assistance at 21.9%. Retail trade makes up a big chunk at 12%. Finance, insurance and real estate is at 13%. This is the update we have for the Comprehensive Plan based on the 2010 Census for the demographic section.

Chair Rohlf: Do you think developers look into this sort of statistical information?

Mr. Klein: I think they are. Basically, I think they have a lot at stake as far as the money they invest. I know they follow the trends pretty closely.

Chair Rohlf: How in the world did they get so sidetracked with these expensive high-rise condos?

Mr. Coleman: It's complicated, but part of it was a trend for younger generation to want to live in those areas. Capital was very easy to get at the time, so everybody was rushing to get it done.

Chair Rohlf: I don't think the numbers would have said that.

Comm. Neff-Brain: Where are these in Leawood?

Chair Rohlf: The ones that were proposed and not built.

Mr. Coleman: You need to remember that the housing market overall was way overbuilt and that's why we had the bubble. Credit was easy to get, and that's why we had so much mortgage fraud and everything else associated. That is another product that was on the market and was popular with some segment of the market. If they could get financing to do it, they did it.

Chair Rohlf: I don't see anything in the numbers from the past ten years that would have indicated a need for that type of housing here in Leawood.

Mr. Coleman: We don't have much.

Comm. Neff-Brain: Older people would like to move into that, I would think.

Mr. Coleman: We really don't have much of that.

Mr. Klein: I think a lot of them were looking at it as people who no longer wanted to take care of a big yard and who had these big houses as part of a very affluent population. Then Park Place is developing a community with a lot of services and amenities right out the front door.

Chair Rohlf: Then the economy basically stalled it out.

Comm. Pateidl: There is much in the demographics that would support that kind of atmosphere.

Mr. Coleman: Every segment of the housing market was overbuilt.

Comm. Neff-Brain: If you can't get money out of your house, you can't buy an expensive condo.

Mr. Coleman: That's why, when the bubble burst, all the condos' value dropped.

Comm. Elkins: I guess it pre-supposed an attitude that folks would not want to downsize their living space. Intuitively now, there is an attitude that we are in an age that is looking to downsize. The developers ten years ago were thinking we would get rid of yards but still want 4,000 square feet of living space. Richard, this doesn't necessarily track with information so far, but can you give us a sense off the top of your head of the revenue mix for the city? What portion of our city revenues come from various sources?

Mr. Coleman: We're very balanced in the city's revenue. We have user fees, property tax and sales tax as the three main sources at about 30% each.

Comm. Jackson: What is included in user fees?

Mr. Coleman: That would be building permits and fees we charge.

Comm. Elkins: As we get built out, do you expect that to go down?

Mr. Coleman: Yes, it will go down. Hopefully it will pick up.

Comm. Neff-Brain: How many housing permits do we have this year?

Mr. Coleman: I think it's less than eight so far. We are way ahead in building permit revenue compared to last year. We passed last year's mark in July.

Comm. Neff-Brain: Because of remodels?

Mr. Coleman: Remodels and hail damage on the roofs. I think we had 500-600 of those so far, and they average about \$20,000 a roof. I think Joe's presentation gives you a good picture of the city's growth and future trends for growth. We will still grow; it will just be at a lower rate. At some point, we will be at some level that fluctuates as people come and go.

Comm. Neff-Brain: Like prairie Village, Mission Hills and all those cities.

Mr. Coleman: Exactly, so we'll be what we are. There will be some redevelopment probably, similar to the Estates of Old Leawood, and we will also have commercial development. Depending on what you decide as far as density, some of the currently low-density developments might have a higher density in the future.

Comm. Jackson: I would almost think you would have to allow greater density because it brings down the cost per capita of services and saves energy.

Mr. Coleman: Yes, there is a threshold, though. The citizens of Leawood and leadership need to decide what kind of community is desired as far as density, quantity of multi-family and residential. We're pretty built out, so there shouldn't be a huge number of changes. I could see that Oddo may someday build their apartment complex. I understand the apartment complex on State Line has turned over. They had a new buyer who had made improvements to it. There is such a demand in rental housing now.

Comm. Neff-Brain: But aren't you supposed to have a certain amount of Section 8 housing?

Ms. Shearer: I don't think we can deny it, but I don't think we're required to have a certain amount.

Mr. Coleman: They probably got the financing for so many years and then ran out. Once it was gone, they probably sold the complex and flipped it over. I'm encouraged by a lot of the statistics.

Comm. Pateidl: When you've got mixed use with 20% residential, is there a maximum?

Mr. Klein: There is a minimum of 30% commercial, so you could go up to 70% residential.

Mr. Coleman: It gives them the ability to mix.

Comm. Pateidl: You couldn't do 100% residential.

Mr. Klein: Not in the mixed use; you would have to go to the residential districts. There is a limit on the density as well for MXD of fifteen units per acre, which is actually higher than anything else we have. The highest in RP-4 is 10.89 dwelling units per acre.

Chair Rohlf: Haven't the sunset clauses pretty much run on all those plans along 135<sup>th</sup> Street?

Mr. Klein: A lot of them have.

Chair Rohlf: They could actually come back and rezone if they wanted to?

Mr. Klein: Yes, and what we're finding now is a lot of those developments actually have been turned over to the banks, so now we're getting interest from the banks to sell them off piecemeal. That will probably be the biggest challenge in the next couple years as far as trying to maintain a development that was originally approved with a certain look, theme and dynamic when the bank is just trying to get the money out of the property.

Comm. Jackson: Do they have to re-plat it to do that?

Mr. Klein: A lot are already platted, so they're just selling the lots off. For instance, on Cornerstone, we have seen a number of potential clients come in on the parcels that are out by the corner of 135<sup>th</sup> and Nall. They are across the board. Many of them are auto oriented, including oil and lube, car wash and tire stores.

It almost seems like the bank is marketing it for that particular use, which I am not exactly sure why. When that plan went in, we had a restaurant on the corner.

Comm. Elkins: We had a dairy at one point in time, didn't we?

Mr. Klein: Yes, we did.

Mr. Coleman: Almost every property down there except for what Regnier owns is for sale.

Comm. Jackson: By the bank or someone else?

Mr. Coleman: The bank owns Parkway Plaza, Villaggio and parts of Cornerstone.

Chair Rohlf: What happened to Tuscany and the other one with the bank?

Mr. Coleman: That is for sale, but it's not owned by the bank. It is the one with the lawsuit.

Chair Rohlf: How is the Regnier property zoned? Is it AG?

Mr. Klein: Portions of it are AG; next to Market Square is residential. Then there is a portion of the old airport property that is actually zoned commercial.

Chair Rohlf: Who owns that?

Mr. Klein: Regnier owns pretty much all the way from Market Square to State Line Road except for the portion where Covenant Chapel bisects it.

Chair Rohlf: There is still land there. That land could be a really nice housing development.

Comm. Neff-Brain: The shopping center on State Line seems like it has nothing in there anymore.

Mr. Coleman: That is Block and Company.

Comm. Pateidl: Are you talking where Target is?

Mr. Klein: Yes, at 135<sup>th</sup> Street and State Line. They had a Sprint at one time and Capitol Federal on the corner.

Mr. Coleman: The Office Max was an experimental store, and it didn't work. That center is hurting.

Comm. Elkins: You may not be able to talk about it, but this whole idea of the Jiffy Lube stuff gets my attention. How much latitude do we have as a city to say that a Jiffy lube is not the kind of use we think would be appropriate?

Mr. Coleman: If it is allowed under the zoning provisions of the property and they meet all of the development criteria for that zoning district, there is not much we could do.

Ms. Shearer: Unless you had aesthetic reasons or something like that.

Chair Rohlf: The reason I didn't want the Mercedes dealership.

Mr. Klein: We have a pretty strict zoning ordinance. The car wash wanted to go in on the corner piece, but they couldn't meet the standards of four-sided architecture and open space. Some of those uses get precluded right off the bat because the way the use is organized.

Comm. Elkins: This seems like a real challenge. If the banks succeed at selling off these areas piecemeal, it will be a real challenge for us and staff to maintain some sort of planning consistency.

Comm. Neff-Brain: What 135<sup>th</sup> was supposed to be.

Mr. Coleman: It is in large part. We found out that the developer for one of the projects was not paying in his share of the common area maintenance, so when the bank took it over, they had to throw in a chunk of cash to make that whole. There are other situations like that.

Comm. Neff-Brain: Speaking of redevelopment, is there anything going on at 103<sup>rd</sup> and State Line that would be positive?

Mr. Coleman: The latest was the school.

Mr. Klein: Are you talking about the BP district with the mix of uses with US Toy and Gates? The problem we're finding with that area is that it has a lot of issues because 80% is in the flood plain. Therefore, in order to make significant improvement, someone would have to bring it out of the flood plain. To do that in a reasonable way, the entire property would have to be brought up.

Comm. Neff-Brain: The city would almost have to redevelop it.

Mr. Klein: Yes, someone would almost have to come in and do that. Plus, it doesn't meet any of the setbacks, open space or any other standard we would have. Right now, if a use goes out and someone comes in, they cannot improve the property more than 50% because that makes them a legal non-conforming use. There are no deviations available for the area.

Mr. Coleman: We've heard some people were interested in buying a building down there, but when they found out the issues associated with the flood plain, it just killed everything.

Chair Rohlf: It is not worth it.

Comm. Pateidl: Does the city still have offices down there?

Mr. Coleman: The parks facility is still there.

Mr. Klein: They also have no development association because it was never developed as an overall development with common areas and upkeep.

Chair Rohlf: We will see it again.

Mr. Coleman: It is on our radar to try to address probably by having a modification of our ordinance that would allow reduction in setbacks or different development standards than our ones that we have right now because they just can't meet them. Unless something like a big hotel came in with really deep pockets, bought the property and re-graded the whole thing to build something new, it probably won't work.

Comm. Neff-Brain: But look at the view.

Mr. Coleman: I'm not saying it's a good use; I'm just saying you would need someone with substantial money to make that site work.

Mr. Klein: City Council is looking at the area because they are aware of everything down there, too. A lot of those businesses are very successful, and they don't want to drive them out or kill them. The challenge is to allow them to keep going.

Mr. Coleman: US Toy would love to have a greater presence on State Line, but there are challenges for them, including land assembly, flood plain and our ordinances. It is the most difficult area in the entire city. It would be difficult in any city.

Comm. Elkins: Riverboat casino.

Comm. Neff-Brain: Revenue and its own water supply.

Comm. Elkins: Has the thought for an assisted living facility been abandoned?

Mr. Coleman: Where?

Comm. Elkins: Villaggio?

Mr. Coleman: That one is pretty dead, I think.

Mr. Klein: The bank took that over.

Mr. Coleman: We have another developer sniffing around the area.

Comm. Elkins: It seems like that is an unmet need; perhaps by the next census.

Mr. Coleman: I think that different types of assisted living facilities are going to be popular.

Mr. Klein: We also have that piece of property at 133<sup>rd</sup> and State Line with a residential piece to the east that was geared toward seniors, except it was more independent living with patio homes. They were going to design it so the doors were wide and all on one level.

Comm. Jackson: What group was that?

Mr. Klein: That was located just to the west of Village of Seville on 133<sup>rd</sup> and State Line where the Office Max was. I think there were 26 units there. It had a little pond and one strange feature with an entrance off 133<sup>rd</sup> Street and then another entrance going through the drive aisle of Village of Seville out to State Line. It was a market need as far as the elderly and independent living. The last I heard from him about two years ago was that he wanted to rezone the property back to Ag so he wouldn't have to pay the property taxes. It was Richard Eisner, and he was one of the ones who developed with Joel Shafton in Villas of Leawood, which were the four-plex units off Kenneth Road to the south of the apartments.

Comm. Neff-Brain: Is anything happening on Lee Boulevard at what used to be the Country Club?

Mr. Klein: No, they put in the streets, and they kept coming in just about ready to go. They planned on a model house because of a stipulation requiring one. It just disappeared.

Comm. Neff-Brain: Do they have trailers there?

Mr. Coleman: They have one sales trailer there, but they're not selling. I think the economy bubble killed that. I haven't heard that it has been turned over; they still own the property.

Comm. Elkins: I had a resident complain the other day that it was all junked up again.

Chair Rohlf: What ever happened to Glen Abbey?

Mr. Coleman: We have a building permit over there.

Chair Rohlf: How many are in there right now – four or five?

Mr. Klein: I think so.

Mr. Rexwinkle: I think there are two houses under construction.

Mr. Klein: That's another area where you might see more residential development. We used to call those piano key lots because they are long and skinny. Glen Abbey of Leawood combined two of those, and I think there are two wide ones to the east of those. Then you also have the twelve-lot subdivision in the RPA-5 along Mission Road. Dr. Reed had his over there.

Comm. Jackson: Is his house still sitting there?

Chair Rohlf: No, it's gone.

Comm. Elkins: We approved a plan for two.

Mr. Coleman: Any more questions about the Comprehensive Plan? Then we can move on.

Chair Rohlf: Is just this section of the Comprehensive Plan being redone?

Mr. Klein: Yes, right now.

Mr. Coleman: There will some adjustments. The city is in the process of purchasing land from Leabrooke that will be added to Ironwoods Park. That will be a change.

Comm. Jackson: Are there any major new movements in planning?

Mr. Klein: There are some neo-traditional and planning and amenities. Those kinds of ideas are out there; it's all just been hit by the economy, especially in this area. We're not really a traditional urban area, so we have more of the large lots with single-family homes. We're trying to transition to offer some more amenities and other housing types out there. We've actually approved those, such as the ones that were above the retail over at Mission Farms. We also have the condominiums over at Parkway Plaza. Park Place approved the condominiums that were never built, and they have come back recently with the apartments. The Riveda is another one with lots on a single floor. The economy hit hard and made a lot of those projects go away. Otherwise, I think you would be seeing a mixture of those kinds of uses. I think the mixed-use development, especially along the 135<sup>th</sup> Street Corridor, has a lot of potential. The Raniers came in three or four years ago and actually intended to develop the entire thing from the airport to Market Square. They talked about mixed use with office, retail, residential and some specific uses that could be part of a museum, library or something like that. Those have gone away.

Comm. Elkins: Do you have any sense for when the city might be coming back to talk about the Justice Center?

Mr. Coleman: Probably in the next month. They were going to ask about rezoning the property to SD-C. They didn't realize they needed to do that. They have a height issue.

Comm. Elkins: What is SD-C?

Mr. Klein: It is Planned General.

Comm. Neff-Brain: Are they going to come back and have every lot designated?

Mr. Coleman: There are only two lots: the lot for the Justice Center and an undesignated lot for future development. The city doesn't know what it's going to do with it at this point.

Comm. Pateidl: The fire station?

Mr. Rexwinkle: They don't have that lot anymore on 117<sup>th</sup>.

Comm. Neff-Brain: What did they do with it?

Mr. Rexwinkle: The Justice Center will be on the north side of the property and a smaller one on the south side, closer to Waterway.

Comm. Neff-Brain: What happened to the smaller one? Was it incorporated into the bigger one?

Mr. Rexwinkle: Yes, they're not showing a fire station on this plan now.

Mr. Coleman: There is also an issue, at some future date, of dealing with the property along Lee Boulevard.

Mr. Klein: The other thing we want to talk about tonight is a few LDO amendments. The first one has to do with recreational vehicles being parked on a public street. Currently, we allow recreational vehicles to be parked on the lot for no more than seven consecutive days and no more than fourteen days in a month period. However, there is really nothing to allow the RV to park on the public street. We do have some people who have an RV and a driveway that is too steep. They cannot get in to unload their vehicle. The way the city code reads is they have a maximum of 24 hours in the street. They said they need a few days to unload. We would like your input on whether you feel the time is appropriate and if so, is there a certain time frame? We thought 48 hours would be enough time to unload and move the RV to be stored somewhere else.

Comm. Neff-Brain: Are those a safety problem, i.e., kids playing around and emergency vehicles getting down the street?

Mr. Klein: We have thought about emergency vehicles.

Mr. Coleman: That is the main thing. Staff was directed to come up with a revised ordinance.

Chair Rohlf: It is 24 hours now?

Mr. Klein: For any vehicle on a public street.

Comm. Neff-Brain: How can you not unload a vehicle in 24 hours?

Chair Rohlf: Have you ever owned a motor home?

Comm. Neff-Brain: No, but I could unload my house.

Mr. Coleman: What prompted this is the angle of the house and the size of the vehicle. It sounds like it's a business he does out of state. Every time he tried, he would park it on the street and he would get a ticket or notice. We were asked to see if there was something we could do to allow a longer period of time. Part of the argument was that we allow visitors to park their RV in the street for up to a week if they notify the police.

Chair Rohlf: I thought it was only three days. It is a week?

Mr. Coleman: It is seven days.

Comm. Neff-Brain: Why don't they go in the driveway? It seems like a safety problem.

Comm. Elkins: Why can't the guy with the steep driveway do the same thing?

Mr. Coleman: Our answer was 48 hours with notifying the police.

Comm. Elkins: You talked about visitors; is that really contrary to what the ordinance is? My point is that if that can happen, why can't that same rule apply to this guy?

Mr. Coleman: It doesn't because he's not a visitor.

Ms. Shearer: I see Marc's point. An RV parked is an RV parked.

Comm. Neff-Brain: I think seven days is too long for it to be there. Have them park in the driveway. I think it is a danger for emergency vehicles.

Comm. Pateid: My feeling is the public safety and welfare is a heck of a lot more important than this guy's convenience. Instead of applying the seven-day visitor rule, give him 48 hours or something of that nature.

Mr. Coleman: Mark, do you want to go over the proposal?

Mr. Klein: The proposal would be that they would be allowed to park the RV on the street for a period exceeding no more than 48 hours. Regarding safety, they would have to apply to the Planning Department for a permit that would show where they were going to park it and have a time designation. They would have to contact the police as far as having no cars parked across the street. We would try to address the safety issues. For instance, if they were too close to the corner of the street, it would not be allowed.

Chair Rohlf: They put the signs out like they do for parties?

Comm. Neff-Brain: How often is he doing this? Is it once a year? I think that could be a real inconvenience.

Mr. Coleman: I think it is twice a year.

Comm. Neff-Brain: Are we doing an entire ordinance for one guy?

Mr. Coleman: We've had a few others, but he's the one that became very vocal about it and went to his council members.

Comm. Elkins: I am back to my question about using that same rule for visitors. Why the distinction?

Comm. Pateidl: Your description of the preliminary evaluation about where you park and having to put signs up is fine, and if you put together a regulation for that permit, I think it is good. I would apply those same considerations to the seven-day permit that Marc is talking about. Right now, if it is carte blanche, someone could come in from out of town and park for seven days. I think the regulation is very appropriate. You can bifurcate the two issues and make one for 48 hours and one for seven days. It would be a good thing to do, and it would be more of a permit / regulation type thing than an actual ordinance. The ordinance simply would reference the permit, and then you would have flexibility to change them if you want to.

Comm. Neff-Brain: From a public safety standpoint, why would you allow somebody seven days and someone else just 48 hours?

Comm. Pateidl: Because one is an out-of-town visitor and one is the homeowner.

Comm. Neff-Brain: I don't think it is sound from a legal standpoint.

Ms. Shearer: If the reasoning behind the ordinance is public safety, it doesn't matter whether they are unloading or visiting.

Comm. Pateidl: You could call one period of time RV maintenance allowance and the other RV visitor allowance. I wouldn't want to give the guy seven days to unload.

Comm. Neff-Brain: No, and I don't know that we need to give mom and pop more than 48 hours before they need to get on the driveway.

Comm. Pateidl: There will be cases where they cannot do that.

Comm. Neff-Brain: We need to look at it legally.

Chair Rohlf: I think it is apples and oranges. I think it should be one ordinance for both, and the time frame may need to be longer than 48 hours; it may need to be 72 hours.

Mr. Coleman: So maybe we reduce it for the visitors and extend it for residents.

Chair Rohlf: I can't imagine there are that many RVs in Leawood coming or going.

Comm. Williams: I think that's the issue. We don't deal with it much, so we make a big deal out of it and make it seven days for the few times that it might happen.

Comm. Elkins: Is it limited to RVs?

Mr. Coleman: Vehicles as living quarters.

Comm. Neff-Brain: Do we allow RVs parked in the city not in a garage?

Ms. Shearer: They have to be screened on three sides.

Mr. Coleman: They do pose a problem.

Comm. Jackson: What did we do with those trucks with the wraparound side?

Mr. Coleman: They are not allowed. There is a limitation on the size of the sign you can have.

Ms. Shearer: We did a work session on that a couple years ago. Mark dragged signs in.

Chair Rohlf: Are we all split on this thing?

Mr. Coleman: Are we looking for a "one size fits all" ordinance?

Chair Rohlf: Some are fine with a week.

Comm. Jackson: I would think 72 hours at most.

Comm. Neff-Brain: Why don't we have Franki look into it and see if a bifurcated ordinance would be advisable?

Ms. Shearer: I have an opinion on this, but I would prefer not to put it on record. I think Jane is right. If the policy is safety issue and traffic concerns, I do not understand the difference between unloading and visiting. Looking at the policy reason behind the change, that is my two cents.

Mr. Coleman: The only difference I can see is, in one case, you have an increase of people living there versus somebody who already lives there.

Comm. Williams: In the end, it is still a temporary use.

Mr. Coleman: We could just say that it is a temporary use that has to be approved by the Police Department for up to and no more than seven days.

Ms. Shearer: What did the Police Department say about this?

Mr. Coleman: They haven't been as proactive about it as I would like.

Ms. Shearer: They're out fighting crime.

Mr. Klein: We have one other ordinance we would like to bring forward to you fairly soon. It has been part of the LDO for a long time and has been an issue on a number of developments. We haven't seen it happen much lately because we have slowed down in developing. As soon as we kick up again, we will run into the issue. We have a ten-foot interior lot line. We recently saw this on Park Place. Currently, there is no deviation, and we really cannot see a benefit of it. We would like to come back forward and either offer a deviation to that or eliminate it. There are some other modifications to the ordinance that we think would be beneficial. For example, Ted's Montana Grill is at 135<sup>th</sup> Street with an interior drive adjacent. Currently, it is platted with a lot line down the interior drive that entered in the development. The requirement is to be back a minimum of ten feet from that, which would still allow them to go out in the middle of the private drive. It didn't really limit anything. One of the things we tried to get people to do is to locate the building far enough back to not cut off site triangles and to not be a visual obstruction. It would be nice to replace the ten-foot interior lot line separation with something that would require the building to be set back 20-30 feet from curb. It would actually force them back far enough so they would not be in the view of corridors. Right now, our

problem with this is in Park Place. We had a building that was an extension of F2. Building F is already there. F2 will have the new Latin American restaurant, and they wanted to extend the building farther east. Their lot lines go around the building, and they were within ten feet of it. They could have actually moved their lot line out a few more feet and made the difference as far as the ordinance. That development was platted that way from the beginning, and none of the buildings meet the ten-foot interior. Making them do that would cause a lot of consternation over easements and such. Looking at it, there seems to be no good reason for that to be farther out by a few feet. We also have the ten-foot interior lot line running through the middle of parking lots. We could have a parking lot that is a single lot with a property line dividing ownership for each individual business. According to this, you have a minimum ten-foot interior setback for parking as well, which means you would have this island that runs down the middle of this parking lot and might not make a whole lot of sense. We would like to clean that up. There are also a number of other things in the LDO we would like to clarify, also. We might be bringing LDO amendments to you.

Mr. Coleman: It is just a few word changes and such.

Comm. Pateid: Regarding your description of the setback and side triangle and the balance of that, before I could get any sense of what all that meant, I would need to see some schematics and get a feel for what you're talking about. In the interim period of time, to give the Planning Department discretion, I would be fully in favor of including an allowance or deviation in there. Then you could act responsibly, giving it all the consideration, before making a decision.

Comm. Jackson: Is that just mixed use?

Mr. Klein: No, it actually runs across all the commercial properties: SD-NCR (planned neighborhood retail), SD-CR (planned general retail), and MX-D.

Comm. Pateid: I don't see any reason why we should wait to offer the inclusion of the deviation. Isn't that the most flexible way to go about it?

Mr. Klein: That would be the most flexible way to deal with it. I think we would just have to write it in such a way that outlines when the deviation could be granted. That way, it is a bit clearer.

Comm. Jackson: The deviation I would like to see changed is the one that allows change in the F.A.R. with an amenity. Some of those amenities are just plain useless, like the one at Hallbrook Two. They just plopped a little water fountain somewhere that didn't make any sense for employees or anyone to even go by.

Mr. Klein: Are you talking about by the street as it went down?

Comm. Jackson: Yeah, we've got a few of those in other spots, too. They don't make any sense, and I don't see any reason to have them.

Mr. Klein: When I first started here, we had the deviations listed, but we didn't really have anything that required them to do anything. What happened all the time is every developer would come in and ask for the deviation. We would fight it, but there was nothing there to give us anything. The latest rewrite of the LDO made it so we would get something in return. I certainly understand your point because I think that came up in a couple other cases as well, in which they wanted an F.A.R. deviation for increased open space, and yet all the open space they had was broken up into little parking lot islands that were scattered throughout the parking lot. The Planning Commission and City Council said that they needed to provide something usable. Would you like the deviation tightened up, or would you not allow it at all?

Comm. Jackson: Maybe allow the deviations but ask that they do something more useful in exchange.

Mr. Rexwinkle: Should we be more specific about what an amenity is?

Comm. Jackson: Right, and I haven't thought enough about how to write it.

Mr. Klein: That's a good idea, and basically, we will see a lot more developments. A few years ago, the Planning Commission had full-blown meetings until 10:00 every time with these big developments coming in. We saw Cornerstone, Parkway Plaza, One Nineteen, Park Place and on and on. Then all of a sudden, the market went down and everything slowed down. In the interim, we've been staying pretty busy because at that time, we didn't really review any of the tenant finishes or signage that came through. Now, we're doing all of that as well. At some point, I imagine those developments are going to be coming back. Now is a good time to clean up the rules and such.

Comm. Elkins: I know this is a painful topic, but we should add signs to the list.

Mr. Klein: They are already on there.

Ms. Shearer: We had a work session with Council on that last month.

Comm. Williams: Did we shoot ourselves in the foot with the temporary sign ordinance that we passed sometime back because we see this proliferation of advertising in just about every commercial development?

Comm. Neff-Brain: What are those things on the corner of 119<sup>th</sup> where they put those metal bars up with signs?

Mr. Klein: Those have been there for a while.

Mr. Coleman: We'll revisit that at some point. There were some issues.

Ms. Shearer: There were legal reasons we made those decisions. As far as controlling how close they are to the street, we can visit that.

Comm. Neff-Brain: Those people who walk around the signs are right on the edge.

Ms. Shearer: That's a different topic altogether. They're not supposed to do that.

Mr. Klein: That's pretty much all we had.

Comm. Elkins: Is the version of the LDO that is on the website relatively current?

Mr. Coleman: It is the most current.

Comm. Elkins: You have done a great job and have already fixed a lot of things. I know my paper version is probably way out of date now.

Mr. Rexwinkle: We are talking about getting new copies out.

Mr. Klein: I basically ran into a formatting problem with bookmarks and everything.

Chair Rohlf: So gas wells are in there now?

Mr. Coleman: Yes, gas wells are now prohibited explicitly. I haven't had anybody tell them to go move their drilling rig, though.

Chair Rohlf: They have a lot of stuff parked out there.

*MEETING ADJOURNED*