

**City of Leawood
Planning Commission Work Session
Window Signage / MXD – Mix of Uses
April 14, 2015**

In attendance:

Commissioners: Williams, Pateidl, Levitan, Roberson, Jackson, Elkins, Strauss, Ramsey and Walden

Staff Members: Mark Klein, Richard Coleman, Michelle Kriks, Ursula Brandt, David Ley, Patty Bennett

Window Signage

Background:

- Window signs were originally limited to 5% of the window area. This section of the ordinance was inadvertently removed with an amendment for temporary signage on June 21, 2010.
- Section 16-4-6.3 of the Leawood Development Ordinance allows deviations to size, colors, location, number of signs and illumination with the sign criteria for a development that has been recommended by the Planning Commission and approved by the Governing Body. However, it requires that in commercial districts where such deviations have been approved, the maximum of all wall, canopy and window signs shall be 5% of the total area of the façade or 200 sq. ft., whichever is less.

Proposed Amendment:

- Leawood Development Ordinance amendment proposes a maximum of 5% of window area or 50 sq. ft., whichever is less for window signage.
- This will be in addition to the maximum of 5% of permanent wall currently permitted within retail districts. The Leawood Development Ordinance currently states that if sign criteria have been approved by the City of Leawood, all signage on the façade shall be a maximum of 5% or 200 sq. ft., whichever is less.

Comm. Ramsey: How do you interpret a business such as Dick's with large windows on two walls? Is this per wall or total of the window area?

Mr. Klein: This would be the total windows on each façade.

Comm. Ramsey: This limits it to 5% or 50 sq. ft. in total?

Mr. Klein: Correct.

Comm. Ramsey: Maybe it ought to say that.

Mr. Klein: That is a good idea.

Comm. Pateidl: The Dick's example is one end of the spectrum, while the shoe store on the corner is on the other end. The window is much smaller, and a 5% allocation will be about the size of a sheet of paper. In my research, I found that most cities use window size with an allocation of 20% with a limitation of square footage and letter height. Given that the smaller retailers are going to have smaller signs anyway, I wonder if 5% isn't too restrictive when it is predicated on the window size and not the façade size.

Mr. Klein: Many of the storefronts that we see are mostly window, but occasionally the window area is smaller. The Planning Commission recommended an amendment with regard to allowing anything beyond 3 feet for window signage.

Comm. Pateidl: I recall a conversation about a 3-ft. setback. Was that ever codified?

Mr. Klein: It was recommended by the Planning Commission, but it has not gone to City Council yet.

Comm. Pateidl: Has the verbiage been drafted yet?

Mr. Klein: Yes, and that has been recommended by the Planning Commission but has not gone to City Council. The next proposal came forward for the 5%, and it was continued. That part has not been recommended.

Mr. Coleman: The change Mark was talking about will help the smaller retailers. Some of them max out much quicker on the 5% of the façade for their main sign. Right now, they are technically prohibited from putting any signs or posters on their window if they have the 5% sign on their façade. This will make it more liberal and will allow them to put additional signage in their windows.

Comm. Ramsey: Would we achieve Jim's suggestion if we set a maximum of a higher percentage while leaving the maximum square footage of 50 sq. ft.?

Mr. Coleman: That is as big as their main sign.

Comm. Ramsey: Can we back up and ask what it is we're trying to achieve with this?

Mr. Coleman: Part of it is to actually be able to see into the retail space. For many retailers, unblocking the windows is a security issue in some sense. Additionally, studies have shown that if customers can see into the store, they are more likely to go into the business.

Chairman Williams: Wouldn't you think national retailers would be aware of that?

Mr. Coleman: Some think that more signage is better. Many of the good retailers try to keep the glass storefronts free of signage because they are trying to draw customers in the store visually.

Comm. Ramsey: We're concerned about sign pollution more than these other things.

Mr. Klein: It really comes down to clutter. Currently, a window sign is anything that is visible from the outside of the store. We have changed it to 3 ft. from the window, which would be easier for code enforcement to evaluate.

Comm. Ramsey: The goal, then, is to find a compromise between what the merchants want and what we think is appropriate in limiting sign pollution.

Mr. Klein: That is fair.

Comm. Ramsey: Is the Taco Bell example in compliance?

Mr. Klein: They would not be in compliance, but if they moved the signs back 3 ft., they would be in compliance.

Comm. Pateidl: In reality, all the examples exceed 20% of the façade and are in violation of the current ordinance. What are we doing to enforce what we currently have on the books?

Mr. Coleman: We can send someone out and ticket them, but we are trying to work through this, so we put a bit of a moratorium on it until we get this resolved. As the ordinance reads now, almost any of the signs that are visible through the window are in violation. We're trying to develop reasonable signage criteria that has basis in the history of the city. Adding the extra 5% to the windows for those that are maxed out on the 5% of the façade signs is a good way to go.

Comm. Pateidl: Do we have a person called a neighborhood services administrator?

Mr. Coleman: That would be me.

Comm. Pateidl: Do you have a designee?

Mr. Coleman: We have three code enforcement officers that are responsible for everything from trash cans in the front yard to the signage.

Comm. Pateidl: I can see that enforcing this would be difficult because the business owner would ask what he can do. I agree that we need to do something, but I also think we need to start enforcing what we do. Otherwise, why mess with it?

Mr. Coleman: This all started because of enforcement on Dick's. They put the giant posters in the windows. They've moved them back far enough that they would comply. We are trying to get this tied up and passed by the Planning Commission and City Council so the code enforcement officials have something they can use to discern.

Comm. Pateidl: Clearly, the examples provided are clutter and should not be acceptable. Regulations that are more definitive would be a step in the right direction if we can proceed with some enforcement. Dick's wasn't the clutter we see here.

Mr. Coleman: I think that adding the 5% will take care of it. We don't enforce aesthetics, so whether it's a giant taco or a beautiful rose, we cannot deal with it. We deal with square footage and calculable items. We think the proposed formula is reasonable and allows the merchandisers to do a lot without the clutter taped to the windows.

Comm. Ramsey: How does this compare to our neighbors like Overland Park?

Mr. Coleman: Everybody is a little different. We are probably a little more conservative than they are, they probably allow 10%.

Chairman Williams: One question here is how much is reasonable for a retailer to have for window signs; the other part is if window signs should be outside and inside. We have discussed our dislike for the signs outside the window. Without the benefit of field measuring the O'Reilly windows, which we do not like, it would appear that one poster would be allowed. There is a mention of 20%, and that would allow all four posters.

Comm. Roberson: Taco Bell is probably at 50%.

Mr. Coleman: I think Mark came up with a good balance because it increases the allowable signage for the business, but it is also keeping to the history of the city and the way it has treated the amount of signage on a façade.

Comm. Strauss: We've always had the 5%; we're just adding the 50 square feet.

Mr. Coleman: Correct.

Comm. Roberson: Wasn't there a number requirement, also?

Mr. Klein: We have a maximum number for permanent signs but not for window signs.

Mr. Coleman: A development can write its own sign criteria and get it approved through this body.

Chairman Williams: Would the retail businesses that want to have wording etched in the glass be considered a permanent sign?

Mr. Coleman: No, it would be part of their 50 square feet or 5%. We could talk about something incised in stone on the building that would be considered more of an architectural element.

Comm. Elkins: Didn't we go through that with Capitol Federal on 151st Street with their eagle? I think we decided the eagle was a sign and we denied it.

Mr. Klein: It was a round logo in the window. The other one before that was Dean & DeLuca with their name in the stucco.

Mr. Coleman: We probably ought to decide if we want to allow architectural elements to include that or not. I'm thinking of the city's Justice Center because it has "Police" and "Court House" incised in stone, and it also has the bronze signage on each side.

Chairman Williams: It seems like a slippery slope.

Mr. Coleman: It does, but let's say that the Johnson County Library came in and had "Shakespeare" incised as an architectural element. Would we deny that because it's signage?

Chairman Williams: I see where you're going with that, and I agree, but then let's say Crate & Barrel came in with what they call an architectural treatment on glass. We tell them they couldn't do it but that they could cast it in stone. I'm not sure it's fair to the retailer.

Mr. Coleman: The applied vinyl could be considered part of the window sign.

Comm. Ramsey: What if it is a permanent etching on the glass?

Mr. Coleman: Then it would be permanent signage? I'm not sure.

Comm. Elkins: We addressed that at One Nineteen on one of those buildings. We denied them.

Chairman Williams: We denied them, and yet, it is rampant at Town Center.

Comm. Walden: Do we have a definition for a sign?

Mr. Coleman: We have a definition that is fairly broad, so all those things would probably be included.

Comm. Strauss: All these sign issues don't come to the Planning Commission anymore, right?

Mr. Coleman: Most are administratively approved.

Comm. Ramsey: I'm good with this. I think you ought to be prepared to defend how it relates to our neighbors. I understand we have a history of wanting to be a cut above. We sure don't want sign pollution, per se. It's a balance of making sure we are fair without having it be tacky.

Comm. Strauss: I think 5%-10% is a small difference compared to the violations that are gross violations. To Jim's point, we need to talk about enforcement.

Mr. Klein: To be fair, all of the examples except for O'Reilly are not in Leawood.

Comm. Pateidl: Let's talk about O'Reilly, then. In window signage regulation, one city allows a certain percentage of the window pane with a limit to the number of signs on any side of the building. Let's say that the O'Reilly building is 5 feet wide and 14 feet tall; 5% of that is 3 ½ square feet. My point is that we need to define the size of the window.

Mr. Klein: We would like to use the total façade because we considered mullions. We decided to include the entire façade of the bank of windows.

Comm. Pateidl: If there is a small window with a fairly large sign, it will cover more than one pane. I begin to question whether this is what we want to see in terms of sign pollution. The number of signs could be limited, and if the window is small, there would be no window sign.

Comm. Ramsey: It is 5% or 50 square feet.

Comm. Pateidl: Whichever is less.

Chairman Williams: This begins to penalize the large retailer. The maximum allowable sign will be a small portion of the glass area. If we want to avoid the large signs, perhaps we could look at something that limits the size of the signage, whether it be size of letters or graphic.

Comm. Ramsey: Couldn't the larger retailer just go back 3 feet on the inside?

Comm. Pateidl: Space could be an issue.

Mr. Coleman: Dick's did just that.

Mr. Klein: Town Center Plaza will back up a panel from the window.

Chairman Williams: Macy's has windows that go around the side of the building. The star in the window would exceed the 5%. What do they do?

Mr. Coleman: Make their star smaller.

Chairman Williams: Do we find that offensive?

Mr. Coleman: I don't know. We haven't measured it. The idea is to create something that is easy to calculate and easy to enforce.

Chairman Williams: I fully support the idea of something that's easy to enforce or we have a situation where it will not be enforced fairly. These are temporary signs that change as sales change, and that can be difficult to monitor.

Comm. Pateidl: We should also consider a time limitation on temporary signs. A date could go in the corner of the sign.

Mr. Coleman: I'd have to hire at least two additional people to enforce that. We're trying to do something that is based on the last 20-30 years' practice that gives flexibility to the merchandisers and is easy for our people to enforce. This all came about because something was removed from the ordinance that shouldn't have been, and we are trying to put it back in.

Chairman Williams: We need to be simple and clear for the retailers so it doesn't send a bad message to retailers in the city.

Comm. Ramsey: I'm good with it.

Comm. Strauss: I think it's more flexible for retailers, and it is not grossly different than it used to be. I'm in favor of it, also.

Chairman Williams: Richard, for window signs, will stores need to apply for permits?

Mr. Coleman: No.

Chairman Williams: They should know the rules, so if an inspector is traveling through on a routine run or sees signs that he questions, he can measure and see if they are in violation.

Comm. Strauss: What about the people who stand out with a sign?

Mr. Coleman: I think that's something we don't regulate. We're more liberal on yard signs than KC, MO.

Comm. Elkins: I think it would be good to have examples of what 5% would look like when this is presented.

Mr. Klein: When we calculate the size of signage, we draw a box around it.

Mixed Use District – Retail Mix

Section 16-2-6.4, MXD (Mixed Use Development District) requires the following percentage of uses:

- Not less than 20% of floor area shall be designed for residential use.
- Not less than 30% of floor area shall be designed for commercial use.

Proposed amendment:

- Staff is proposing that a minimum of the overall sq. ft. of the development within the Mixed Use Development district be a minimum of 10% retail.

Mr. Klein: We think most developments can reach the level of 10% minimum retail. We found some national examples of developments with higher percentages of retail.

Comm. Pateidl: Are you talking about the retail being a component of the 30% or in addition to the 30%?

Mr. Klein: It would be 10% of the overall square footage; it would not be 30% of the commercial square footage.

Comm. Pateidl: The 10% would apply to the commercial requirement.

Mr. Klein: Correct; the commercial influence is not increasing. We just want to ensure some of the commercial use is retail.

Comm. Ramsey: The way you're saying this is that 30% shall be commercial, and 10% of the gross requirement counts toward the commercial activity and will be retail.

Mr. Klein: Correct.

Chairman Williams: Should we just state that the minimum is 10% retail and 20% commercial?

Mr. Klein: That could make it clearer. We also want to look at developments with a retail component. In Mission Farms, if the entire bottom floor develops out as retail, it will have 33% retail.

Comm. Ramsey: Are restaurants considered retail?

Mr. Klein: Yes.

Chairman Williams: Is retail anything that generates sales tax revenue?

Mr. Klein: Right now, the commercial definition is a little unclear, so we would need to work on the definition.

Mr. Coleman: That is probably close, though.

Mr. Levitan: You're talking about a place like Piper Jaffrey not being included.

Mr. Klein: Correct; it would be an office.

Comm. Jackson: I don't think we've seen a Mixed Use come in with anything less than 10% retail, have we?

Mr. Klein: I think most meet that requirement. That is why we thought it might not be that big of a stretch to actually require it.

Comm. Pateidl: Park Place is pretty well laid out now. Have you run the calculations of retail to total square footage?

Mr. Klein: It is probably close to the 36% that we're showing there. I think it's a little bit less. Most of the offices have retail on the first floor.

Comm. Pateidl: I would defer to our developer and lender with the thought that if we impose a percentage of retail, is it economically viable for a development, and can it be financed? We don't want to create issues that discourage people from looking at building in Leawood.

Comm. Levitan: Retail is the hardest part.

Comm. Roberson: I agree. It is lendable. It really comes down to how many dollars per square foot will be generated in income to be able to pay back the loan. From a bank's standpoint, they rarely will make a long-term loan on a mixed use development. It goes to insurance companies, mutual funds and a variety of different lenders that specialize in that. The key is how quickly the commercial retail and residential can be leased. We financed Mission Farms, and it has done well for us.

Comm. Strauss: Mark, will this be a change to the Leawood Development Ordinance?

Mr. Klein: This will be a change to the LDO. Currently, we have a minimum requirement of 30% commercial.

Comm. Strauss: Does the zoning for mixed use have a different definition?

Mr. Klein: Mixed use includes all the uses allowed within all the zoning districts with the exception of BP [Planned Business District].

Comm. Strauss: Would that get changed, also?

Mr. Klein: No; there are many retail uses that can go into mixed use.

Mr. Coleman: If someone is in an office, we use the office category to determine their requirements.

Comm. Strauss: If you were to ask the average person what mixed use would include, I think he would include retail. I would have thought retail would be part of the definition, so I am not surprised to codify it.

Mr. Klein: Currently, someone could come in with all office and still meet the component.

Comm. Strauss: That doesn't sound like mixed use to me.

Comm. Ramsey: Unless it is all office on the first floor and residential above.

Comm. Strauss: That still doesn't sound like mixed use to me.

Comm. Levitan: Mixed use is a hard concept. My problem with MX-D on 135th is the lack of flexibility with it because if a developer wants to do office and retail, he is still forced to do residential. I would love to see flexibility with that. I know the horse is out of the barn at this point and we are arguing about percentages, but the picture is larger.

Comm. Roberson: Yes, the financing piece is very difficult.

Comm. Ramsey: Why is that?

Comm. Roberson: First of all, banks really don't like to finance retail because they go in and out of business very quickly. It's very risky. The second component is residential, which is fine, but it needs to be leased up or sold, which is very difficult to do prior to building. We like commercial office space because it is usually easy to get leased out even before it begins. If the retail and residential component are added, there can be many failures.

Comm. Levitan: Even Mission Farms, which was a success, struggled.

Comm. Roberson: Only three condos have sold. That was always interesting, but again, the apartments lease out quickly. We anticipate the same thing will happen at Mission Farms on the Leawood side. Those apartments are leasing fairly quickly, too, but they aren't going to sell.

Comm. Levitan: It is also the sheer magnitude of the cost. It is extremely expensive, especially with parking structures. The cost must be extracted out of the tenants. Park Place only has local establishments. They can't do enough volume to get the developer return as a reward for his risk. The office at Park Place is doing really well, but the retail is a problem. We are over-retailed, and the problem is if MX-D is required on 135th, we are forcing developers to do more retail when the market isn't demanding it or can't handle it.

Comm. Roberson: What is happening on 135th right now is Corbin Park and Prairie Fire. This is a lot of retail right down the street from our empty property, and to force retail to continue to come down toward State Line will require something unique. There is not that much that is truly unique. It certainly won't be financed locally.

Comm. Jackson: Why the push to add the 10%?

Mr. Klein: I hear what you are saying. In all the literature that we read for mixed use development, we have found a lot of advantages. It has vibrancy and environmental benefits. The tax income to the cities is good, and it tends to help property values.

Chairman Williams: Nationally, there are many examples of successful mixed use projects. One of the keys to their success is their size, but also the way they achieve the mixed use isn't necessarily apartments on top of retail or a mix of apartments and office or commercial use. They can have the retail/commercial component and a collection of multi-family residential down the block. Are we trying to push local developers to do more of the Park Place approach or combine Mission Farms and Park Place with residential above the commercial?

Mr. Klein: Up to this point, the city has been pretty flexible with regard to that. Park Place is not vertically integrated. All of the residential, with the exception of the live/work units we recently approved, are horizontal. Mission Farms is probably the best example of vertical integration. Parkway Plaza has the two condominiums, and we're still trying to work with the other part. When it originally came through, there was a big discussion with the private road of 134th Street cutting through. At that time, the emphasis was on pedestrian connectivity. There are a lot of ways to develop mixed use. Even at Mission Farms, there is a single family component located by 105th Street.

Chairman Williams: The single family at Mission Farms was part of their mixed use?

Mr. Klein: Yes, and originally, Mission Farms came in as a planned district that developed out with residential before we had the mixed use district. They rezoned to mixed use.

Comm. Roberson: That was only a dozen.

Mr. Klein: It is varied. At one time, it was 22; now, it is 14. What we also found in the literature is that it is also beneficial to have a variety of housing units.

Chairman Williams: I have fantasized a lot about the Reignier property with its size and potential for mixed residential types of retail and office. The commercial or residential could be a little higher with great

opportunities, largely because of the tract of land. If we look at Mission Road to State Line and the retail there, it might get us what we want.

Mr. Klein: I understand that Ken and Mike have much expertise, and it would be nice to figure out how to encourage it and make it work.

Mr. Coleman: Park Place has 450,000+ square feet of retail, so it is 30% of the square footage.

Comm. Roberson: But they're struggling. From what we've been told, those retailers aren't doing well. They'll eventually have to be turned in to something else.

Mr. Coleman: Once all the residential is built out, it may help.

Comm. Jackson: How much of those apartments are filled?

Mr. Coleman: The Axis is all full. The Residents 1 is leased out, and they are leasing the second building. We are starting to issue occupancy permits for the residential building next to AMC. All of our residential has leased quickly.

Comm. Strauss: I don't think we can fully judge the retail until the development is built out.

Mr. Coleman: We might have to look at some of these mixed use development in reverse where there is a plan in place with housing being built before everything else. In normal development, the rooftop comes first and the retail follows. It might be difficult for some because they may fear never seeing the commercial side of it. One of the studies we evaluated had a listing of how many people are required to support a square foot of different retail activities. A bar only needs .4; a grocery store needs 5.4. We hope to get started on the 135th Street Implementation Plan this next month.

Comm. Elkins: Should we hold off on this until we look at that?

Mr. Coleman: It will be an entire year, so we didn't want to hold off. If things came out that need to be adjusted in a year, it can be done.

Comm. Elkins: It seems like this is a first step, effectively, in the 135th Street Implementation Plan in a lot of ways.

Classification of Use – Limousine Service

Mr. Klein: City Council approved incorporating the limousine service. We would like to bring back an LDO amendment.

Comm. Elkins: Was there much controversy at City Council?

Mr. Coleman: Not a lot, but there was a little bit.

Comm. Pateid: When I was at that meeting, a young man who had been at the meeting all night introduced himself. Apparently, the City of Leawood has a Business Development Office, and he is hired by the city to attract business to the City of Leawood. That was his first project.

Mr. Coleman: That is Kevin Jeffries, President of the Leawood Chamber.

Comm. Pateidl: I understood that it is not just the Chamber.

Comm. Ramsey: They have a contract.

Ms. Bennett: It is for economic development.

Comm. Pateidl: If we've got somebody contracted to do business development, shouldn't we include him in these work sessions to have some discussions?

Mr. Coleman: You can invite him if you want.

Chairman Williams: It depends on what we're talking about. If we're talking about windows, signs and retail, I don't know.

Mr. Coleman: We meet with Kevin on projects occasionally. Sometimes he brings in businesspeople, and we'll all talk.

Comm. Pateidl: He was hoping it would be approved because he promoted it.

Chairman Williams: Having retail or business experts would be helpful in subjects like signage and percentage of retail development. It would maybe give a different perspective other than just financing.

Comm. Levitan: What was the opinion of City Council?

Mr. Coleman: In BP districts, vehicles can't be visible from a public street, so that was one issue that needed to be addressed.

Comm. Ramsey: Since it has been approved, we ought to change the LDO to legitimize it.

Mr. Coleman: We'll bring forward an LDO amendment addressing it.

Comm. Pateidl: During that discussion, the attorney on behalf of the limousine company made a comment about including the language "... included by not limited to" would not have been a matter of discussion for comparison. Doesn't it make sense to open up this process to common sense? We can't decide what kind of business might be coming to Leawood in 20 years that would be perfect but is left out of the schedule.

Ms. Bennett: The problem with using common sense is it varies from person to person. That is why it must be defined. The law requires that we define it as much as possible and not leave it open for discretion. What if Richard said no but you feel it is fine. The more we can define and put in the code, the better.

Mr. Coleman: That's why it went through the process it went through.

Comm. Elkins: Additionally, if a use comes in that we think would be inappropriate, we have created a good avenue for a great lawyer to challenge the decision as being arbitrary. Currently, we are limited by the list, and it is almost completely unchallengeable in court in my opinion.

Comm. Pateidl: One item that came up in the course of that conversation was that the ordinance talks about if something can be identified as exactly the same but is not listed. I alluded to issues of public use, such as the Parks Department. It is a slippery slope because it covers every category in the books. I think we should change the ordinance to exclude public use consideration in making those comparisons.

Mr. Klein: That's all we have.

Chairman Williams: Could you explain this?

Mr. Coleman: This is an example of economics coming into play for higher density versus low density and benefits that accrue to the municipality or city as far as tax revenues per square foot of land. Since Leawood is land-locked and we have a very limited resource, this is just one basis for having a higher density.

Comm. Pateidl: Is there any objective or desire in terms of time to see this property developed out?

Mr. Coleman: I don't think we can put a deadline on it.

Comm. Elkins: As a matter of policy, we could set a goal that could be one of the guideposts as we develop this implementation plan. I would suggest it ought to be part of our thinking as to what rate we want the 135th Street Corridor to be expanded because it would help to inform other decisions that we make. Tonight's discussion was a perfect example. What I have heard tonight is that imposing the 10% retail will have a chilling effect on the development of the 135th Street Corridor. If our goal is to have it built out in 10 years, we might want to make a different decision.

Mr. Coleman: Part of the argument I could make is the city has already made that decision and made it a long time before I was here. If the time frame of developing 135th Street was a priority for City Council, it would already be built out. It could have been, but the city chose developments they wanted and vice versa. The Mercedes Benz dealership did not come in. The development on the Missouri side could probably have been along 135th Street if City Council had so chosen.

Comm. Elkins: You are absolutely right, but my point is that now is the time to rethink that. If we take that position, there is no purpose to be served in doing a whole new study on 135th Street because the decision was made 17 years ago. Now is the time for us to evaluate it again.

Mr. Coleman: I don't think that the Planning Commission or the city wants to handcuff themselves and say that it will be developed in a certain time frame.

Comm. Elkins: I am saying that it is a goal to help inform what we want to do.

Mr. Coleman: How many years is it?

Comm. Elkins: That would be a matter for a work session.

Mr. Coleman: We can bring in the demographics and how fast we're growing.

Comm. Elkins: I am just saying that this is the time for us to talk about it and not to just simply default to a decision that was made 28 years ago.

Comm. Pateidl: Quite candidly, the recommendations for 135th Street are marginally different than the original ones from 1997. It is basically the same with an update on technology and basic philosophies. Frankly, it really doesn't matter to me, but if somebody is thinking that it should be developed out and generating revenue inside of 25 years, we ought to be thinking about what the city may have to do to enhance the development prospects, whether it be by regulations or by throwing in money. The value of establishing some thought is to open up the doors for consideration.

Comm. Elkins: It may be that we conclude that we ought to just let the market dictate, and it will develop as it will develop. It's a valid decision.

Comm. Roberson: If you look at either side of Leawood, you see a lot of developments going bananas, and we have a lot of empty land. They're filling up quickly. In the corridor between State Line and Nall, the biggest development we have is called the Church of the Resurrection. How much tax revenue does it generate? Nothing. We had Villaggio that failed. We had Parkway Plaza that failed. We had Cornerstone that failed. For the most part, many of the decisions we have made have been failures. We may need to rethink what we want to have in Leawood. Even on 135th Street, the development next to Deer Creek didn't turn out to be a very good development, either. We don't want to put restrictions on the corridor that will chill the development. We want developers to come in with good ideas for us to consider and with no preconceived notions that Leawood is a difficult place to do business, which is the reputation.

Comm. Ramsey: That is exactly right. The other thing is that I'm a bit uncertain as to what the real vision is for the 135th Street Corridor from the powers that be from present and past. What is the true best and highest use for that area? Is it a car dealership? Is it a grocery store? Is it strictly residential or office? I understand the mixed use concepts that we want to see achieved, but there are many different opinions on revenue generation and aesthetics. It's not clear at this time, and this leads to some of the confusion.

Comm. Jackson: Is there a price difference for Leawood land along 135th Street and Overland Park?

Comm. Roberson: I don't know. It's not selling.

Comm. Levitan: There is a parcel in front of Church of the Resurrection – Plaza Pointe - that is selling way below market value. I simplify things way too much, but I just see that we want to take Prairie Fire and go straight down State Line with it, and that's not going to work. We're not dense enough. We're not a big enough city.

Chairman Williams: Based on the public meetings for the study, there will be a tremendous uproar from residents on both sides of 135th Street. Their concerns were on discussions of high rise buildings and increased traffic.

Comm. Roberson: High density anything will be upsetting to them.

Comm. Levitan: Nobody will be happy with anything. At some point, we have to decide what we want it to be, but we also have to listen to what the market is saying as well. We don't need another row of apartment complexes down State Line. We don't need a lot more retail, either. We need some flexibility with it. Overland Park is seen as the place to do business; that is their reputation. Granted, we only have so much more land and we don't want to give it away.

Mr. Coleman: That's why they have the wonderful golf place on 435.

Comm. Roberson: That is not the issue. Overland Park decided it is economically feasible to knock down Metcalf South and make it a mixed use area. The area at 69 and College will be a neat place, but it is mixed use, too. Everybody is laughing at the golf place, but Overland Park is generating a lot of tax revenue.

Comm. Levitan: There will be a lot of Leawood residents going to Top Golf.

Comm. Roberson: Yes, there will be.

Comm. Ramsey: The reality is that the bookends of the corridor have been set. The probability of being able to continue on one way or the other is not high.

Mr. Coleman: We're looking for something unique and identifiable for Leawood.

Comm. Ramsey: Before we get out of here, do you want to mention something about our meeting last week? Jim, Len, Richard and I attended the MARC meeting on demographics, senior citizen housing and issues involved with it. It was interesting. I think we've got it covered in Leawood. I didn't hear anything they were talking about that causes us problems.

Mr. Coleman: There were more questions raised than they had answers for. We are looking at different parking ratios for different types of senior housing. They didn't have an answer for exactly what the national standard is. I don't think there really is one because it is tied to the specific location and other variables. In a suburban community that doesn't currently have transit, everybody will be car-dependent, so we have to take that into account.

Chairman Williams: Some of the conversation early in the evening talked about senior living not just being assisted living or retirement communities. In some cases, seniors would be mixed with the whole gamut of families and age groups. That would be a desire of many who are approaching retirement. Much of the conversation for the rest of the evening strayed from that, most likely because many of the areas were suburban communities. Some of the conversations went to traditional housing and care facilities for the more dependent seniors.

Mr. Coleman: One topic of discussion was a group of people who choose to age in place because all their needs are being met in that location.

Comm. Ramsey: MARC is going to start doing this on a regular basis for planners, and the next one ought to be interesting because Paul Welcome, appraiser, will come in and talk about zoning impacts on property values. It's not always the horrendous blow to property values that people make it out to be.

MEETING ADJOURNED