

**City of Leawood  
Planning Commission Work Session  
September 13, 2016  
2016 Comprehensive Plan Update**

**Planning Commission Members in Attendance:** Chairman Marc Elkins, Matt Block, Mike Levitan, Kip Strauss, Jim Pateidl, David Coleman, Wayne Walden

**Absent:** Liz Hoyt

**Planning Staff in Attendance:** Mark Klein, Richard Coleman, Staci Henry, Michelle Kriks, Debbie Brenner

**Other Staff in Attendance:** David Ley, Public Works; Andrew Hall, Legal;

Mr. Klein: We had a work session on the Comprehensive Plan back in April, and then we also had a Planning Commission meeting on it a couple months ago. At that meeting, we discussed some of the changes, and it was suggested that we continue the Comprehensive Plan to another work session to talk about it. It was a good idea, especially since we have new members. There are just a couple changes with regard to land use. From the last time we had the meeting on the Comprehensive Plan, we have made changes in the text such as matching the 2014 numbers to the text and vice versa.

Chairman Elkins: I would like to ask you to step back a bit, given the number of new members we have, and talk about the function of the Comprehensive Plan and a little bit about how we got here to talking about these changes.

Mr. Klein: The Comprehensive Plan is a general guide to guide the city's future developments. It is an opportunity for the Planning Commission and City Council to take a look at the land uses, development, land uses and desired goals. The idea is to consider all of these comprehensively and place those types of uses on the plan to direct future development. It is not something set in stone. It can be modified. It is not zoning. There is some confusion that people have regarding the CIP. Zoning states allowed uses within the various districts, and within each district, certain regulations apply such as size, height, land area and intensity. Each zoning district has different regulations.

Chairman Elkins: Is it fair to say that the Comprehensive Plan is aspirational, whereas the zoning is the current state of what is expected?

Mr. Klein: That is correct. The Comprehensive Plan is a powerful tool to allow the Planning Commission to evaluate it without the pressure of a pending zoning application. The Comprehensive Plan gets reviewed every year. There is discussion about the uses shown and determining if some need to be adjusted. Times change; development patterns change; trends change. It doesn't mean that something needs to be changed every year.

Chairman Elkins: As a matter of our legal obligations, we have a statutory obligation to review the Comprehensive Plan once a year. Since we have a number of new members, it will be nice to have a more in-depth discussion of the plan and how it relates to zoning.

Mr. Klein: We also have the 135<sup>th</sup> Street Community Plan, and it has been adopted for the 135<sup>th</sup> Street Corridor between 133<sup>rd</sup> Street on the north and 137<sup>th</sup> Street on the south between State Line and Nall.

Comm. Walden: When the developer comes in to you does he already know about the Comprehensive Plan what is proposed for that land?

Mr. Klein: Let me take you through the process that you don't see. You see the applications that come before you at the meetings. The Comprehensive Plan and Zoning Map are on the city's webpage. Most often, developers will come in talk to us. If the proposal is a Preliminary Plan, Special Use Permit or Rezoning, the developer is required to have a pre-application meeting. At this time, we want to see some plans from them so we can review. We go over the zoning and the Comprehensive Plan representation. Sometimes, a Rezoning may be required to match the Comprehensive Plan designation.

Chairman Elkins: Mike, can you share perspective as one who represents developers and owners your perception of what a Comprehensive Plan means versus zoning?

Mr. Levitan: I don't know that the Comprehensive Plan is given much thought. I think it is just based on zoning and if it matches or can be zoned for that use.

Mr. Coleman: I would agree.

Mr. Klein: When they ask about rezoning is when the Comprehensive Plan comes in. We would not be supportive of a commercial use in a residential zoning.

Chairman Elkins: It is a guide for the Planning Department and not necessarily the developers.

Mr. Klein: Correct, and to be fair, we get some developers who will ask what is on the Comprehensive Plan, but many don't.

Comm. Strauss: From a developer standpoint, if you really don't look at the Comprehensive Plan very much, you're saying you look at the current zoning?

Comm. Levitan: Yes.

Comm. Strauss: It could be a road block down the road that a developer is not aware of. When they come in the office, they find out if their plans will be consistent with what the city has envisioned.

Comm. Levitan: The developer also has a sense of what the best use may be from the developer's perspective. They can make sense of the returns of the development without any incentives from the city.

Comm. Strauss: I'm sure from the city's perspective there are some that are just not consistent with what is envisioned for the area. Maybe they go away then.

Mr. Klein: That is true. Sometimes they come back, and sometimes, they go away.

Comm. Strauss: I realize we review this annually, but I think there should be some mechanism for the public to get involved at some interval. I can understand annually is maybe too much, but when do you think the public last had an opportunity to comment on the whole Comprehensive Plan?

Mr. Klein: I know that we talked about it a couple years ago. At that point, we wanted to go through the 135<sup>th</sup> Street Community Plan first because it was going to be a major part of the Comprehensive Plan. Now, we are more or less into the implementation of the plan.

Mr. Coleman: Leawood is land-locked, and the majority of the zoning is already in place. There is a lot that is already built out.

Comm. Strauss: The public was invited to the discussions about the 135<sup>th</sup> Street Corridor.

Mr. Coleman: It is the major undeveloped area of the city. Otherwise, we are nibbling at the edges. Over a period of time, there will be some redevelopment. As you can see, there is redevelopment even in the residential area. The Comprehensive Plan still shows the zoning the same. We might see redevelopment in the commercial area that might change all of it over time.

Comm. Strauss: It may be something to put on the back burner, but at some point, we ought to give the public an opportunity to comment on it. Maybe it's every 15 years or something. I understand your point that there is not a whole lot they're commenting on.

Mr. Coleman: Mostly, it would be 135<sup>th</sup> Street.

Comm. Levitan: What's been your experience thus far? This has been defined as Mixed Use on 135<sup>th</sup> for a year and a half? Two years?

Mr. Coleman: Several years.

Comm. Levitan: What has been your experience with potential applicants?

Mr. Coleman: We've had a variety of different people come in to look at different properties or land uses. Usually, they are single use, mostly in multi-family. We have had

people starting to propose a Mixed Use development focused on multi-family with some office and some retail. Then probably the multi-family or senior living is the other most common prospect to come in recently. Around the edges, we have a new development at 137<sup>th</sup> and Mission. It is senior housing and assisted living. There are other land uses that are partially developed: Villaggio, Cornerstone and Parkway Plaza. We've had interest in all of those. We've had a number of buildings built in Parkway Plaza over the last 5-6 years since they turned it back over to NSAB. They've been building out the plan as is. With Cornerstone, people have proposed different things that didn't fit the plan. We have a couple of proposals right now. A hotel is in process, and other people have shown interest in making it a Mixed Use development with a residential portion. It depends on where the developer is coming from. I would say the majority of the interest has been in some form of residential.

Comm. Pateidl: To summarize on the raw land issue, residential is primarily what has been presented.

Mr. Coleman: Primarily residential or some form of residential like the senior housing or assisted living. Before the currently approved plan, we had three different developers from outside of Kansas City interested in that particular area. For one reason or another, they didn't pursue it.

Comm. Pateidl: The future senior housing is not in the 135<sup>th</sup> Street Corridor, is it?

Mr. Coleman: It is, but it is not shown as Mixed Use; it is shown as Medium Density Residential. There are a few places between 133<sup>rd</sup> and 137<sup>th</sup> like that in that area that weren't strictly addressed as part of the plan. They are not Mixed Use.

Comm. Pateidl: The development on the northwest corner of 135<sup>th</sup> and Roe is Parkway Plaza, and that is Mixed Use, right?

Mr. Coleman: It is Horizontal Mixed Use, so it has retail and office by 135<sup>th</sup> Street, and it has the residential component on 133<sup>rd</sup>.

Comm. Pateidl: The residential appears to have stalled. What happens if a developer comes in and wants to put in an office building, and the 20% factor for the Mixed Use can't be met?

Mr. Coleman: They can't do that.

Comm. Pateidl: Can we give exceptions to do that?

Mr. Coleman: They would have to rezone the entire property to accomplish that.

Comm. Ramsey: Didn't we just do that at Park Place? They were late building the residential.

Mr. Klein: We always knew they would build the residential, as it was on the plan.

Comm. Ramsey: It fluctuated all over the place.

Mr. Coleman: It was always within the boundaries of the percentages, but it can be 50% residential and 50% commercial. I know the staff went through iteration after iteration of calculating the percentages for the residential versus office versus retail. It is a dynamic thing. When one change is made, it changes other elements.

Mr. Klein: There are two developments along 135<sup>th</sup> Street. Parkway Plaza is MXD, and Cornerstone is not. We have probably had more activity in Parkway Plaza than we have in Cornerstone. Charles Schwab is the only building that has been constructed for a long period of time. Within Parkway Plaza, a few buildings have been constructed, and we receive queries about potential residential from different developers, especially now that residential has gotten a little hotter.

Comm. Pateidl: My question goes to the lack of flexibility. The condominiums that were approved with the development to begin with have been found to be less than desirable for that location.

Mr. Coleman: Building construction type is expensive, but other residential buildings could be built.

Comm. Pateidl: If we look at the Comprehensive Plan and evaluate efficacy of the plan, is some flexibility a subject matter to be addressed at some point down the road, rather than to be locked in by a piece of paper? We know we're land-locked, and now we're legislatively locked away from what could be viable and desirable development.

Mr. Coleman: Do you mean the plan is not flexible?

Comm. Pateidl: No, I'm staying that if someone comes in wanting to put in an office building and we tell him he can't because it has to be residential, it is the legislative bind I'm talking about. Is that a subject matter that we should address?

Comm. Ramsey: Should we even address it? It goes back to the point of what type of community we want for Leawood? Do we want to have a specific plan and adhere to that plan, or are we going to be opportunistic to allow someone to come in for the sake of development?

Comm. Pateidl: I agree with that.

Comm. Ramsey: That's what you're asking.

Comm. Pateidl: I am, but by the same token, Richard is saying that underground parking structures are supposedly what people bought with the understanding that the units next to them will be that. We're saying we could do some different construction that wouldn't

have to be that expensive. To some extent, we are already taking the opportunistic point of view if we look at what Richard was suggesting to be a viable alternative.

Chairman Elkins: The plan would have to be modified to do that.

Mr. Coleman: It could be built just like the other buildings, but it wouldn't have to be out of concrete, for example; it could be stick-built. There are different ways to approach it.

Comm. Pateidl: The other side of the coin is it could be opportunistic for development, but it also could be recognition of the fact that it isn't going to work otherwise. Maybe we made a mistake.

Mr. Coleman: That's up to the developer.

Chairman Elkins: It's like three-dimensional chess, and that is the added dimension of time. How patient are we? That's a great question, too, because if we wait too long, the development has passed us by. That has certainly been the case in Johnson County over the years, where we go to 151<sup>st</sup> Street Corridor. We have to consider that, too. If we look back at when Comprehensive Plans were developed, the perceived ill they were trying to address was the overly opportunistic development. There are cities out there not in Kansas City necessarily that have very little in the way of planning, so there may be a 22-story office building and no other 22-story office building for 4 miles down 135<sup>th</sup> Street. It leads to a hodge-podge of development, and over the years, it has been perceived to be better to have a plan with some flexibility to modify by reviewing from time to time. There is planned development rather than an office building that comes in randomly and a subsequent mish-mash. It comes down to how we want the community to look a generation or two out. I don't know that there's an answer. It's about balancing. Kip, I think it's great to get community input, but it has been demonstrated by our recent experiences on the 135<sup>th</sup> Street plan and implementation that we are the proxies for the community, for better or for worse.

Comm. Strauss: I thought it was interesting that during that study, the landowners came in to the public meeting and left in the dark of night. This is Mixed Use, and I didn't hear a loud voice from them saying that they couldn't develop Mixed Use. I got the impression that they understood and were fine with it.

Chairman Elkins: We also didn't see them jumping for joy about the idea.

Comm. Strauss: If I owned the land and didn't like Mixed Use, I would have been more vocal at the meeting to make sure the city understood that it was, in essence, a constraint. They didn't do that. I don't know how a developer thinks, obviously, but it seemed odd that they were very quiet. That told me they were fine with it.

Comm. Ramsey: Marc referenced time, and I agree. The market is what is going to drive all of this. Those condos that we're referencing were built back in a certain point in time when condos were the thing to do. Then the recession hit, and condos couldn't be given

away. All of a sudden, nobody wanted to build condos or anything. That's a slight adjustment to the market. My point is that the market moves.

Comm. Strauss: Didn't we open up the meeting saying that this is a guide and if someone wants to come in with something different, they can?

Mr. Coleman: They can.

Comm. Levitan: The Comprehensive Plan can be changed, not the 135<sup>th</sup> Street Plan.

Chairman Elkins: Is there any part of Leawood, though, that is not fully zoned out at this time?

Mr. Klein: There are a couple AG pieces.

Comm. Strauss: 135<sup>th</sup> Street is going to be adopted into the Comprehensive Plan, right?

Mr. Klein: It is already incorporated.

Comm. Strauss: It is still just a blueprint of the vision the city sees for that corridor. If the developer can't quite meet all the criteria of Mixed Use, they can come to the city, and it can be discussed.

Mr. Klein: You're exactly right. Nobody is telling a developer that we will not accept the application. We may not support it, but we will accept it. Then Planning Commission and City Council can review it, also. With regard to flexibility, Kip was absolutely right. This is a guide. It is also a document that is reviewed on an annual basis. If things aren't really working, there is opportunity for City Council and Planning Commission to decide we need a shift in direction. With the 135<sup>th</sup> Street Community Plan, the city has gone in a direction, but there is nothing that says that if a developer wants to make a change, a plan can come through the planning process.

Comm. Pateidl: To follow up with what Kip just said, while this is a guide, if someone wants to bring in a proposal that doesn't fit, they can bring it to us. Richard said along the 135<sup>th</sup> Street corridor, we had interest with primary single use and often times apartments or residential. We haven't seen any of those proposals. What happens if someone has an interest but gets discouraged somewhere?

Mr. Klein: There are other regulations that are currently on the books as well. I think for the most part, they're good. There is a minimum 10-acre rule. The reason for this is Leawood wanted to ensure the developments would be connected and related. Many of these proposals for single use haven't wanted 10 acres; they have just wanted to develop a corner. This is not something we're looking for.

Comm. Levitan: The hard part about this is that most developers are one-trick ponies. They either do multi-family, office or retail. There's nobody that roams around Kansas

City, specializing in Mixed Use. They don't specialize because it's so complex. There are three pieces, and two may work, but one may not. That may kill the project. My quandary is if Demdaco wanted to build a second building and move it across the intersection, it probably would not be allowed based on the 135<sup>th</sup> Street Plan.

Mr. Coleman: They have approved plans for a second building.

Comm. Levitan: Let's say they wanted to put it at 135<sup>th</sup> and Mission. They just chose that intersection and want to be there. Could they get a 50,000, 100,000 sq. ft. building zoned?

Mr. Coleman: We would probably not support that because it would start to chop things up.

Comm. Levitan: That is where I think we're going to miss the boat. Granted, we don't want to just approve anything. We don't want a bunch of drive-throughs lined up and we become Metcalf, but by the same token, Mixed Use is hard. I think Fred Merrill is proving that in Prairie Fire. He can't get that off the ground. There is nobody that wants to finance it. He's had places already close on him. I just think we're going to miss an opportunity with a qualified developer to do some of these one-off projects that could work long-term.

Mr. Coleman: The only one-offs we've had come in are really apartment complexes. If we go that direction, that is what we would end up with.

Chairman Elkins: The question that Jim is posing is, is the reason the one-offs are not coming in because when they look at the plan, it is well known in the developer community that 135<sup>th</sup> Street is intended to be Mixed Use? That is why Mike's comment at the beginning of the meeting caught my attention. I would have thought that perhaps what we have here is scaring those one-off developers away, but perhaps not because it doesn't sound like the developers really pay attention to the plan when they're looking to build their building. It is kind of a "cart and horse" issue there. Why is it the one-offs are not coming to us? We have a bigger question of if we want them to come to us.

Mr. Coleman: That's correct. If we do, we could end up with a lot of disparity. The city will look more like some of the other cities then. I could discuss the ones that have come in, but why they didn't continue to pursue the plans, I don't know because they didn't tell me. We had one local conglomeration of developers and another from out of the region. Both were based around residential. They both presented plans that had some office and retail. For whatever reason, they decided not to move forward.

Comm. Levitan: I think all this goes back to Marc's point about patience and how patient we're willing to be.

Mr. Coleman: The city has been pretty patient because this could all have been developed into something similar to areas east and west of Leawood.

Comm. Strauss: Patience could have a negative connotation in that we are sitting back and waiting. Are cities ever proactive about marketing their areas? Is that up to the Chamber of Commerce?

Mr. Coleman: It could be the Chamber of Commerce. It could be the city itself. It could be private individuals.

Comm. Strauss: Does Leawood do that?

Mr. Coleman: I think the Chamber of Commerce is fairly active locally, and I think they also put feelers out regionally and nationally.

Comm. Strauss: This is the longest area of contiguous land in a high-dollar corridor. It seems like it has a lot of marketability. If we're just counting on those local developers to come to us and if we could market it better, it might help.

Mr. Coleman: Some cities do that. There is a whole rainbow of involvement. Some cities are promoting something, and they may actually buy the property and then solicit proposals from different developers. They may then have a package of financial incentives that they work with and give to the developer. Kansas City and Missouri, for the Power and Light District, spent close to \$1 billion on the infrastructure of downtown, and then they guaranteed Cordish a profit every year for 20-some years. Right now, Power and Light District loses money even though you see how great it is. It is a great place, but Kansas City pays Cordish \$15 million a year on top of whatever Cordish brings in from rentals. It just depends on the path we want to take. I would guess that 90% of the taxpayers in Kansas City are not aware of the situation. Other cities do things different ways. Some don't do anything, and some do a little bit. On the Comprehensive Plan, it is a general land use plan that indicates a direction that the city would like to see the land use take. In this particular case, we've made some adjustments, but most is the same it has been for the past 5-10 years. We are suggesting a few adjustments that we think are a good idea.

Comm. Pateidl: Following up on what Kip said about the marketing. I know we've had a young man join us on occasion to do marketing with the Chamber of Commerce.

Mr. Coleman: Kevin Jeffries is the head of the Chamber of Commerce.

Comm. Pateidl: Is he still involved with the city and the marketing?

Mr. Coleman: Sure.

Comm. Pateidl: Was he invited to attend a meeting to talk about the Comprehensive Plan?

Mr. Klein: No; he was at the 135<sup>th</sup> Street Corridor Plan meeting. He is well aware.

Chairman Elkins: I found it interesting that he didn't speak at the meetings I attended.

Mr. Coleman: The city helps fund the Chamber of Commerce.

Comm. Pateidl: It was my understanding that the city hired him to be a marketing influence.

Mr. Coleman: I met with him last week with a developer that he came in with.

Comm. Strauss: We could always invite him to a work session and have a discussion with him.

Comm. Pateidl: That is my point. He has some input that could be beneficial. Maybe we want to think about inviting him for the future.

Chairman Elkins: This is good discussion.

Mr. Klein: Basically, the plan before you is the same as it has been. It gets adjusted a little bit each year. It has been adjusted with regard to the 2010 Census, and it has been adjusted as far as the American Community Survey numbers as well. We really want to talk about land use tonight. The first area is 89<sup>th</sup> Street and State Line Road, which is changing from Medium Density Residential and Office to Mixed Use. The second area is W. 136<sup>th</sup> Street and State Line Road, which is changing from Medium Density Residential to High Density Residential. There is also an adjustment we would like to make with regard to the alignment of a street near Church of the Resurrection that used to dip to the south. It ended up going to the north, and we would like to adjust the line so it matches what actually occurred. Also, on W. 137<sup>th</sup> Street east of Pawnee Lane, there is a change from Mixed Use to Medium Density Residential. There is an approved plan with houses being built in the area.

We'd like to begin with 89<sup>th</sup> Street and State Line Road. Staff would like to change the area to Mixed Use. There are a couple reasons for that. It is kind of a unique area with a lot of opportunity with regard to walkability, services in the area and natural buffers that already exist. The area is in close proximity to Ward Parkway, 89<sup>th</sup> Street with a signalized intersection that allows pedestrians to cross. There is also an underpass with the existing parking lot. There are restaurants, grocery, banking, employment potential in the area. The topography itself lends itself to structured parking, which is one of the requirements. There is already a parking deck that takes advantage of this topography. It is buffered from Single Family Residential. There is a creek to the east that is heavily treed. There is another heavily treed area along the north boundary that buffers it to the north. There are bus stops and shelters, which allow for the possibility of public transportation. There is a planned bike route in the area. It has close proximity to an existing pedestrian bridge that goes to Estates of Old Leawood. This allows for a path from State Line Road into areas of Leawood with private open space in the floodplain. Recreational activities are also in close proximity.

Chairman Elkins: Mark, you've described the elements that would support Mixed Use. What are the negatives? We know it is hard to finance. In terms of the location itself, what are the challenges?

Mr. Klein: They are located in the floodplain, which would need to be addressed. It depends on perspective. If it is redeveloped as a single development, it would have connectivity. Currently, there is a single office building that is more or less separated. A bank is also separated. Other buildings are separated as well, creating access challenges. We haven't seen much interest in this because it was encumbered by Ward Parkway Shopping Center for a while, and it is also difficult to access the property.

Comm. Strauss: State Line Road sits up higher.

Comm. Levitan: Pretty dramatically.

Chairman Elkins: One thing you haven't mentioned is the age of the area. Is that a plus or a minus? Some parts close to here are talking about redevelopment soon.

Mr. Coleman: The office building to the south is almost functionally obsolete. I think the property owner for that wants to do something with it.

Comm. Strauss: Ward Parkway has gone through a resurgence, and it has gone well.

Mr. Coleman: Some office buildings are designed for a particular use, and if they're not flexible, they can become obsolete.

Comm. Strauss: That parking lot used to be tied to Ward Parkway, and is it not owned by Ward Parkway anymore?

Mr. Coleman: It still is, but they've removed the requirement for it to be parking.

Comm. Strauss: To me, I get this image that it's some company in New York that has this property that doesn't even know that there is a parking lot that could be redeveloped. That's where marketing comes in. We have great ideas, but the owner of Ward Parkway just sees a mall and a parking lot.

Mr. Coleman: They're aware of what they have.

Comm. Strauss: Do they see that the parking was acquired and couldn't be touched?

Mr. Coleman: They were aware because they went to the city and got the requirement removed.

Comm. Levitan: It was tied to Dillard's and Target. Dillard's is gone.

Comm. Block: Mark, I think you said the parking lot to the north is not included.

Mr. Klein: I apologize; that is included as well. Currently, the parking lot is Medium Density Residential.

Comm. Levitan: Let's say someone wants to buy Paul Denzer's office building on the south parcel. They want to tear it down and do a small apartment complex and an office building. In the Comprehensive Plan, it says it's Mixed Use.

Mr. Klein: If they're proposing residential and office, it would only require 10% retail.

Comm. Levitan: But if they don't want retail?

Mr. Coleman: They could propose to change it in the Comprehensive Plan.

Comm. Levitan: If they don't want to do retail, would you not recommend that for approval because the Comprehensive Plan is showing MXD?

Mr. Coleman: I think we would ask them to bring us a plan that we could evaluate. If it made sense, they would propose to have the Comprehensive Plan changed.

Comm. Levitan: The likelihood of someone aggregating that land is a tough road. I just don't want to turn people away from redevelopment because they have to meet percentages for office, retail and residential.

Comm. Ramsey: Particularly with a major retailer across the street.

Comm. Levitan: The access is difficult down there.

Mr. Coleman: Access is probably the biggest negative on the property.

Comm. Pateidl: What is the approximate acreage of the property?

Mr. Klein: I would estimate 15 acres.

Comm. Pateidl: The Medium Density is what?

Mr. Klein: Medium Density is RP-1, which is Planned Single Family Residential. It calls for 1 unit per 12,000 feet. I think it is 7.26 dwelling units per acre.

Comm. Pateidl: Would you say it is roughly 25% of the land mass?

Mr. Klein: Yes.

Comm. Pateidl: With all the positives you identified for residential, and with the fact that it is already zoned Medium Density Residential, it all exists for existing zoning. This leaves the complications and problems that Mike pointed out, including multiple owners

and access. I don't see where Mixed Use brings us to anything more positive than we already have.

Mr. Klein: I think a lot of it is the potential.

Mr. Coleman: Right now, we're showing it as Medium Density Residential.

Comm. Pateidl: I thought the single family residences to the north pushed that button and it got to be zoned Medium Density Residential. Some earlier conversation led me to believe that.

Mr. Coleman: It's been this way quite a long time.

Mr. Klein: We've actually had quite a few developers talk to us about that piece. Some have proposed apartments. A lot have proposed senior living.

Mr. Coleman: No one is going to build single-family homes in there. Eight units an acre is not going to do it, either.

Comm. Pateidl: If it's not Medium Density, is this correct? That's what it's shown as.

Mr. Coleman: It is currently shown on the Comprehensive Plan as Medium Density; we are proposing Mixed Use because it's not going to be developed as Medium Density with that parking lot. At 7.6 units for maybe 10 acres in that one parcel, it won't happen. Nobody is going to build 16 units of housing in there. That is one of the reasons we think this site has potential for Mixed Use. Higher-density numbers could then be considered in the residential portion. It might end up being 50-60% more residential because of the proximity to Ward Parkway Shopping Center and all the services it already has, or it might combine a senior housing project for that very reason in addition to office and smaller retail.

Comm. Strauss: I would like to see Kevin Jeffries reach out to the owner and ask what he sees it developing as.

Mr. Coleman: There are people who have interest in Mixed Use.

Mr. Klein: Based on many of the reason we highlighted, this is a piece that makes sense.

Comm. Pateidl: Can you change it from Medium Density to apartments?

Mr. Klein: It still has the problem with the apartments being so close to the office building.

Comm. Pateidl: This might be a situation if we had a realistic proposal to build apartments in there, the city might have to add some infrastructure to provide access to the property to move it along. It may be in the city's interest to do that. That is going to

be a very difficult piece of property to develop. I hadn't really thought about the multiple owners, but whoever is last will be holding a gun to the head of anybody trying to acquire that property. That's a tough road.

Comm. Levitan: My opinion is to leave it alone, and if someone wants to do Mixed Use, we try to figure it out. I don't know that we want to encumber this when we have a big chunk of land at 135<sup>th</sup> that we're trying to get to be Mixed Use.

Mr. Coleman: I think it's a signal that we're open to that development, just like the reverse of what some people are saying that if it's Mixed Use, maybe they're not coming to do it because they're a single type of developer.

Comm. Block: I think I disagree, and I'm not a developer, so take it for what it's worth. Why not a Mission Farms type of development? That's what you're looking for, right? You see that there are a lot of affluent people around this area, and you can do a one-off type of thing that doesn't have to be like the corridor. We're not encumbered in that it's just an ideal situation as far as the city is concerned. I think we're not giving developers enough credit. In the business I'm in, if you want to build something on a piece of land, you figure out a way to make it happen. I understand there will be road blocks. If someone wants to put something in there and they're having trouble with the retail part of it, they'll figure it out with staff, with us, with City Council. Make it work. It makes sense to me to make it more marketable to more people. It's not doing anything as it is today, so why not try to make it more attractive to more folks potentially? I think we're getting ahead of ourselves. We're not going to solve world hunger tonight and find a developer for this. We start small, and hopefully, it will come.

Comm. Levitan: Those have been pretty good income-generating properties with the exception of 8900, which is pretty much obsolete. The other buildings have been good investments for those owners. From a marketing standpoint, I think it's incumbent on not so much the city but the landowner to market how they see fit. I feel like Mixed Use encumbers the area. It would be an up-zone, correct, going from Office to Mixed Use? I think if someone wanted to do Mixed Use there, they would see the site for what it is and would come to you and pitch that. I think it would be great if someone wants to do that, but I don't want to see it encumbered. I think the northern part of the city is a different beast than the south.

Mr. Coleman: Part of it is that we've had some interest shown in it as Mixed Use. We're trying to get ahead of it.

Comm. Levitan: That's with developers. You've seen this before.

Mr. Coleman: In some respects, it's something of a goodwill gesture. The city is helping to get the table set. If we don't do that, there is less chance they will have interest because that would eliminate a step for them.

Comm. Strauss: No one has come to you with Medium-Density, so it seems like a no-brainer.

Comm. Levitan: The thing is that we may have a crazy idea, and it may come to you as interest.

Mr. Coleman: But if the guy at 8900 wants to tear down and rebuild, we would change it out of there.

Comm. Strauss: Mixed Use gives more flexibility because there are more uses available.

Mr. Coleman: It's more flexible, but it's more complicated, too.

Comm. Levitan: The problem I have with MXD is that it sounds great in a Planning Commission Work Session and when putting together a rendering, but it is just so difficult. Mission Farms is fairly successful. I don't know that the retail does well, but the residential has done well. The office has done okay.

Comm. Strauss: If it's Mixed Use, they can do an office building with residential on the top but are struggling with getting in the retail. That gives us a talking point.

Mr. Coleman: There is a lot more reinvestment going on in that area than in the last time with residential and commercial. Property values are moving up. It is a great location. It's close to the interstate system, close to the Plaza. Ward Parkway has improved.

Chairman Elkins: It is just that the topography is terrible.

Mr. Coleman: The street topography, but a Mixed-Use plan might include parking underneath and building up to the State Line level. It might actually work to their advantage in some respects.

Mr. Klein: With the office buildings there and the change in designation, we are not telling them they have to move. If they're successful, they will continue to exist. This is only if someone wants to come in and redevelop them.

Comm. Block: If someone came in with interest, why is that developer not moving forward with a plan? We spent four hours on a sign package two weeks ago. They knew they couldn't do it, but they did it anyway. Why is this different?

Mr. Coleman: It's still coming.

Comm. Block: Why not encourage that developer to put it forward? We're not changing the zoning; we're just changing the plan, in theory.

Mr. Coleman: We're hopeful that they will.

Comm. Block: You feel that it helps encourage them if we change this.

Mr. Coleman: Yes, it would be one less administrative thing they would have to deal with.

Comm. Block: The zoning would still have to change?

Mr. Coleman: They would still have to rezone.

Comm. Block: This is the easiest hurdle, correct? We can do this tonight?

Mr. Coleman: City Council will have to approve it.

Chairman Elkins: We are still a recommending body, not a legislative body.

Mr. Klein: The next one we would like to discuss is adjacent to the Target at 136<sup>th</sup> and State Line Road. We've shown it as Medium Density Residential. We think it would be a good idea to change it to High Density Residential to match the adjacent area.

Chairman Levitan: Do you have an application for apartments there?

Mr. Coleman: We've had two different groups show interest. It is a challenging site because it is small and triangular. This would help the viability of the property.

Chairman Elkins: It has a fair amount of drop-off as well.

Mr. Coleman: The topography is advantageous for covered parking.

Comm. Strauss: It looks like there is some utility work going on in that area.

Mr. Ley: KCP&L is putting in another phase. They are burying from Martin City to 135<sup>th</sup> and Kenneth. It will provide more service.

Comm. Strauss: I didn't know if there was some development plan that they knew about.

Mr. Ley: No, they are just trying to get another circuit in from Martin City's substation.

Comm. Pateidl: I think we talked about this last time and everyone is pretty much in agreement that we ought to move forward with High Density there.

Mr. Klein: At 137<sup>th</sup> Street between Nall Avenue and Briar, we just want to change the map to meet existing conditions. The area of 137<sup>th</sup> Street east of Pawnee is a similar situation. It is already zoned, and houses are going in for Medium Density Residential.

Chairman Elkins: The piece we're talking about already has two houses on it?

Mr. Klein: Correct.

Comm. Strauss: Is the property to the west and north that is vacant 10 acres? Could it be developed on its own?

Mr. Klein: There is a section of the ordinance that states if a piece less than 10 acres isn't feasible, there is a deviation available.

Comm. Pateidl: Mark, are you proposing to take the vacant ground and change it to High Density?

Mr. Klein: It originally had office and retail associated with it at one point. It is within the corridor, so it is shown as Mixed Use.

Comm. Pateidl: What are we changing here?

Mr. Klein: It is just a small piece that is shown as Mixed Use, but we want to show it as Medium Density Residential.

Mr. Coleman: It is just clean up to show what is there.

Mr. Klein: We also plan on showing the historic districts on the map.

Chairman Elkins: What are those?

Ms. Kriks: One of them is one of the first homes built south of Somerset along Lee Boulevard, Lot 1 of the Old Leawood Subdivision. I think on the other side of 83<sup>rd</sup> is another group that I'm waiting for confirmation.

Comm. Ramsey: It is where all the tear-downs have occurred and none of the original homes are left.

Chairman Elkins: Dennis talked about it 15 years ago. The people in North Leawood wanted a designation for Prairie Ranch architectural styles. One of those you're talking about is in that area.

Mr. Coleman: Yes. There are two already up there.

Comm. Strauss: Can you tell us the plans for the old City Hall/Fire Station area? I ran into someone who said the Fire Station would be torn down and rebuilt.

Mr. Klein: I know the old City Hall will stay.

Mr. Coleman: City Council and Parks Department are talking about the plans. City Hall may get moved.

Comm. Strauss: I ran into someone who said he was working on plans for a new Fire Station.

Mr. Coleman: The city will build a new Fire Station.

Comm. Strauss: Will the rest of that area be designated as park?

Mr. Coleman: Yes. The plan is to remove the cell tower and build a Fire Station, and the rest will be a park. There is no official plan, but that is the general idea.

Comm. Block: That was the plan from a couple years ago, too.

Mr. Coleman: The cell tower expires in 2019.

Comm. Pateidl: Eventually, will all this come before a Planning Commission meeting?

Mr. Coleman: Yes, it will come on the 27<sup>th</sup>.

Comm. Pateidl: Should we at least get a feeling for how everybody feels about that 89<sup>th</sup> Street issue? Are you in favor or not?

Mr. Coleman: I got the impression that most were in favor of it; a few had reservations. If I'm wrong, tell me. We don't take votes at this.

Comm. Pateidl: I know, but if something isn't going to fly, it doesn't make sense to bring it to the meeting.

Mr. Hall: It does have to come before the commission; it is statutorily required.

Comm. Pateidl: I'm trying to facilitate a Planning Commission meeting so we don't get into a bunch of discussion on something we've already talked about if the members of this commission are not really in favor of it. I, for one, am not. I don't know if anyone else wants to commit that or not. I think it adds to the complexity of a very difficult piece of property. If nobody else wants to speak up, so be it.

Comm. Strauss: I view it as providing more flexibility, giving other land use types to consider in the area.

Comm. Pateidl: I look at it completely differently. I see individuals who own that property who can go through redevelopment, who can seek some rezoning to allow them the flexibility to use what the developers want in a piece of property that we already know the residential to the west is not effective. There isn't anything that can be done to the east.

Comm. Strauss: No one has come to the city with a Medium Density Residential plan, but they have come with a Mixed Use idea.

Comm. Pateidl: Some suggestions, but that doesn't mean we need to change the Comprehensive Plan. If they want to bring us a proposal, we can certainly consider Mixed Use at that point and make a fit. Richard is saying if we make it Mixed Use now, it may be more enticing to the development community.

Comm. Levitan: If we want to set the table, why don't we just make the whole city MXD? That is my honest opinion. I don't think it creates flexibility for the developer. If the developer wants something, they'll figure out a way to package it and at least present it to the city. The developers see things that aren't there, and that's where they dream the dream and present it. I think it hampers it. I think if somebody wants to go to great lengths to put together those four parcels and present a plan, I think we would all support it. I don't know that we necessarily need to set the table for it because in my world, I get a lot of people calling and telling me the 135<sup>th</sup> Street plan is causing them to go elsewhere. Dial brought in a plan that was not a good plan. It was centered around senior living and they knew that it was Mixed Use, so they threw some office and retail in it. Nobody wants to have a retail shop next to a large senior living facility. It just doesn't make sense. I would think if the developer saw an ability to do Mixed Use and brought it in front of us, we would figure out a way to get it done.

Comm. Block: What does it hurt to do it? Maybe I'm not understanding it, but that's the point I was trying to make. If the guys that are dealing with these guys every day are saying that they see more doors are opening by doing it, why do we not want to do it?

Comm. Levitan: Back to my point that most developers are one-trick ponies. They'll say that it's not worth it, so they'll go to Overland Park or Lenexa because they don't want to be forced to do a use they know nothing about and don't think they can make it work.

Comm. Block: I don't think it's what we or the city wants there. We don't want a gas station or whatever. I don't want to dumb it down too much; maybe that's not what you get, but we want it to be something we're proud of. I think that's the goal or why you put it on there. That is the best case scenario from the city's perspective.

Comm. Levitan: A gas station would never get approved there.

Comm. Block: That was probably a bad example.

Comm. Levitan: I guess I have faith in the way you guys do your job and the way the city has worked out over the years. It's a beautiful city, and everything seems to work together. The market will tell you what it wants.

Mr. Coleman: I somewhat agree with that. What we really haven't addressed and dealt with is the area at 105<sup>th</sup> and State Line. I think at one point, it had a different designation in the Comprehensive Plan. In fact, it was Business Park. We did a study and decided that it didn't really work well there. Most of the businesses are retail businesses. That is why we re-designated it. To really redevelop it, it will take somebody purchasing all the

buildings and scraping it. At some point in the future, we might look at it. The Comprehensive Plan changed for the better. We've seen reinvestment in the area on half a dozen buildings since we changed it. I have some confidence in the process.

Chairman Elkins: We put some time in a couple years ago on Self Propelled Leawood. Should that be reflected in the Comprehensive Plan?

Mr. Coleman: It is referenced, but it is so dense and there is so much there that we just reference it. If we tried to put that on this plan, nothing would be legible.

Mr. Klein: It gets confusing when it is all laid out.

Mr. Coleman: In some respect, it is similar to the 135<sup>th</sup> Street Plan. If you want to see detail, you pull out the specific plan.

Chairman Elkins: I didn't know if we wanted it as an appendix or not. I'm fine with it the way it is. Just on that topic, my recollection is one of the conditions we put on approving that plan was for Parks and Recreation to come in and report. I don't think they've reported yet.

Mr. Coleman: They have.

Chairman Elkins: Let's make sure we have it again before the end of the year.

Mr. Coleman: Okay.

*MEETING ADJOURNED*