

**City of Leawood
Planning Commission Meeting Minutes
September 27, 2016
Dinner Session – 5:30 p.m. - No Discussion of Items
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive
Leawood, KS 66211
913.339.6700 x 160**

CALL TO ORDER/ROLL CALL: Hoyt, Walden, Levitan, Pateidl, Elkins, Strauss, and Coleman. Absent: Ramsey and Block.

APPROVAL OF THE AGENDA

A motion to approve the agenda was made by Hoyt; seconded by Coleman. Motion carried with a unanimous vote of 6-0. For: Hoyt, Walden, Levitan, Elkins, Strauss and Coleman.

APPROVAL OF MINUTES: Approval of the minutes from the August 23, 2016 Planning Commission meeting and the September 13, 2016 Planning Commission Work Session.

A motion to approve the minutes from the August 23, 2016 Planning Commission meeting was made by Strauss; seconded by Hoyt. Motion carried with a unanimous vote of 6-0. For: Hoyt, Walden, Levitan, Elkins, Strauss and Coleman.

Chairman Elkins: On the dais is a printout of the digital copy of the September 13, 2016 Work Session minutes. If there is not enough time to review them, we can defer the approval. Seeing none, I'd entertain a motion.

A motion to approve the minutes from the September 13, 2016 Planning Commission Work Session was made by Strauss; seconded by Levitan. Motion carried with a unanimous vote of 6-0. For: Hoyt, Walden, Levitan, Elkins, Strauss and Coleman.

CONTINUED TO THE OCTOBER 25, 2016 PLANNING COMMISSION MEETING:

CASE 73-16 – BRITTANY WOODS FOURTH PLAT – Request for approval of a Revised Final Plat, located at the intersection of 153rd Street and Rosewood.

CASE 65-16 – CORNERSTONE DEVELOPMENT – THE ELEMENT HOTEL – Request for approval of a Revised Preliminary Plan for the Cornerstone development and Special Use Permit for a hotel, located south of 135th Street and east of Nall Avenue.

PUBLIC HEARING

CONSENT AGENDA:

CASE 136-16 – COLLEGE BOULEVARD OFFICE CORRIDOR – FORSA TECHNOLOGIES – MONUMENT SIGN – Request for approval for a Final Sign Plan, located east of Ash Street and south of College Boulevard.

CASE 58-16 – LEAWOOD ESTATES LOT 110 – Request for approval for a Final Plan for a Residential Emergency Generator, located south of 95th Street and east of Lee Boulevard.

CASE 98-16 – TOWN CENTER CROSSING – TRADER JOE’S METAL AWNING – Request for approval of a revised Final Plan for a change to the façade of a tenant space, located south of 119th Street and west of Tomahawk Creek Parkway.

A motion to approve the Consent Agenda was made by Strauss; seconded by Pateidl. Motion carried with a unanimous vote of 6-0. For: Hoyt, Walden, Levitan, Elkins, Strauss and Coleman.

NEW BUSINESS:

CASE 103-16 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-3-4, DEVELOPMENT PLAN APPROVAL PROCESS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to ownership affidavits. **PUBLIC HEARING**

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 103-16 – Leawood Development Ordinance Amendment to Section 16-3-4, Development Plan Approval Process, pertaining to amended Preliminary Plan and Final Plan approvals of overall developments and proof of permission from adjacent property owners. The amendment before you is a clarification of the ordinance with regard to when a revised Preliminary Plan is required for the entire development, considering how all the properties relate to the piece proposing revision. Per the amendment, if an application proposes a use not shown in the originally approved plan, it would trigger the need for a revised preliminary and Final Plan for the overall development. Additionally, if an application had impacts with regard to parking, open space or amenities for the development, it would also trigger a revised preliminary and Final Plan. The amendment includes an exception in which an application applies for Community Improvement District financing, and in addition, the Governing Body has approved the development to pursue the application without getting permission from the adjacent property owners, the development is allowed to file the application and seek approval without permission from adjacent property owners. These directly adjacent property owners would need to sign on to the application. Typically, the revised Preliminary Plan would require all property owners to give permission since it will affect them. Staff is recommending approval, and I would be happy to answer any questions.

Comm. Walden: There is a redundant phrase at the bottom of 16-3-4. The last line of this page reads, “If the applicant has applied for Community Improvement District . . .” is redundant, as it is stated in the phrase prior to that.

Mr. Klein: Thank you.

Comm. Walden: Why is the Community Improvement District financing different?

Mr. Klein: That receives higher scrutiny at the time when they make application to the Governing Body to get the financing. The overall project is evaluated carefully at the outset to determine financing eligibility. That is the reason for the exception.

Comm. Pateidl: Park Place came to mind when I was reading through this. As I recall, 2-3 years ago, we had an application come through in which one of the Park Place tenants had a science lab with experiments. Let’s assume for a moment that it was not an acceptable use in accordance with the Final Plan. By then, Park Place was 60-70% complete at the time. What if that happened today and we had this provision incorporated into the ordinance? What would be the impact on Park Place? I don’t see it as being practical that they will change the entire Preliminary Plan for Park Place when it is 70% complete.

Mr. Klein: You are correct. If that application came in with a change of use that didn’t require a Special Use Permit, it would require a revised Preliminary Plan. That plan would show all the existing uses. It would force the developer to take into consideration how the new application will fit within the development. The concern is if the application is considered out of context, applications could fit what makes sense for the parcel but not for the development as a whole. We want to ensure the pedestrian and vehicular circulation are maintained and that the open space makes sense in addition to the building orientation.

Comm. Pateidl: Given the language as it is presented here, does that mean they would have to go through the notification, public hearing process and all the balance of that?

Mr. Klein: Yes, they would, and they would have to do that for a Preliminary Plan on the single piece, anyway. A change of use would require a Preliminary Plan. This is more of a clarification. In the past, we have always required an overall Preliminary Plan for the overall development. This clarifies when it will happen.

Comm. Pateidl: I agree with the concept and what we’re trying to accomplish. The mechanics have me a little buffaloes here. I can see getting the approvals from the adjacent landowners, but to go through the entire process again can be lengthy and expensive. If our intent is to discourage changes, I can see where this would do that. If our intent is to monitor and assure that the development is appropriate, I question whether this particular language accomplishes that goal.

Mr. Klein: The process for Preliminary Plan is already set in a different section of the ordinance. In fact, the requirements are set in state statute as far as notification and interact meeting. Even if we only consider the one piece, it would still require a Preliminary Plan with all of subsequent requirements.

Comm. Pateidl: You are comfortable that this is a viable solution to this problem?

Mr. Klein: I think this is actually making it easier than what it has been. We had been requiring this for the overall development as a regular course of business. This just clarifies when it is required.

Mr. Coleman: It is something of a relief valve for the developer. A lot of these developments start under one ownership but then get sold off into pieces. One small property owner could hold up the entire redevelopment.

Comm. Pateidl: Do we have a particular instance that is driving this issue at this point?

Mr. Coleman: We had the case with Camelot Court in which McDonald's refused to participate in the CID. We are looking back and looking forward. We have another case that is potentially coming up that is similar. We are trying to get this in place so that we can address it.

Comm. Pateidl: Is your assurance that this is more constructive for the hands of the developer and not something that is more restrictive?

Mr. Coleman: It is to the benefit of the majority property owner.

Comm. Strauss: They could come back with a preliminary and Final Plan all at the same time, correct?

Mr. Klein: Yes, we allow them to do that.

Comm. Strauss: I have a question regarding the impact to parking, pedestrian ways and other amenities. Will that be a staff judgement, or should we be more specific on the amount of impact?

Mr. Klein: The parking should be more quantifiable. Quantities can be difficult when it comes to pedestrian connections and circulation. Those issues would be reviewed on a case-by-case basis.

Comm. Strauss: Should we consider adding something more specific about the percentage increase?

Mr. Klein: That is something we have not evaluated. Currently, we look at compliance with the approved Preliminary Plan. There are categories as far as what is considered a minor change. For instance, floor area cannot be increased more than 5%. Square

footage, open space and building height cannot increase more than 5%. Something more than that would trigger a new plan.

Comm. Levitan: Can you walk me through the McDonald's example and how this would have helped the majority ownership?

Mr. Coleman: In that particular case, McDonald's just didn't want to participate.

Comm. Pateidl: It was tied to the CID.

Chairman Elkins: Any other questions for staff? I have a couple comments. Typically, in municipal legislation, capitalized terms are defined terms. In a number of places in Section 16-3-4, there is a reference to a Final Development Plan Approval. There is also reference to Final Development Plan as well as the words "Approval" and "Preliminary" also being capitalized. At the beginning of the ordinance, Development Plan is defined but not capitalized. My recommendation would be to capitalize it in the first sentence when it is defined.

Additionally, in Paragraph G, it reads, ". . . in most cases," which is a fairly ambiguous phrase. The way I read this, "In all cases except those identified in 1 and 2, each lot would be required to receive Preliminary Site Plan or Final Site Plan approval." Is that right?

Mr. Klein: Yes.

Chairman Elkins: Rather than, "in most cases," it would be, "in all cases except for 1 and 2." One way of approaching that and eliminating a few words would be to delete, "in most cases," and start out with, "Once a Preliminary and Final Plan has been approved, each lot will be required . . ." The other thing that occurs to me is we define Development Plan in the first sentence as, "A Development Plan shall consist of both a Preliminary and Final Development Plan approved for development . . ." You can strike "Preliminary and Final" and just say, "Once a Development Plan has been approved . . ." This saves some wording.

The other ambiguity that I wanted to talk about is these instances in which an amended Preliminary and Final Development Plan will be required. We talk about the applicant's requirement to provide proof acceptable to the City that adjacent owners have granted permission to pursue the application. Does that apply in both instances?

Mr. Klein: It would be for the individual lot. The proof of permission includes signing on to the application itself or an affidavit that states agreement with the application moving forward.

Chairman Elkins: Would that be required even in cases where 1 and 2 apply?

Mr. Klein: Yes.

Chairman Elkins: It would be in all instances, then.

Mr. Klein: I know the legal department worked on this. It is my understanding that the required proof of permission in any event is the intent. I know that state statute requires a signature or affidavit.

Mr. Coleman: There are so many nuances that don't seem to be right. We might have a hard time getting it all down correctly tonight.

Chairman Elkins: My points have been made. I would leave it to staff and the legal department to review it and make conforming changes.

Mr. Coleman: There was a word that we discussed. It says, "Proposed new improvements" versus, "Proposed improvements" because "proposed implies future anyway.

Chairman Elkins: We'll make record of that. Some of this is just general legislative drafting that you can make adjust accordingly. I get sensitive about going into details, but this is our one time to amend it, so we might as well fix what we can. Are there other questions or concerns? That moves us to a Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Pateidl; seconded by Strauss. Motion carried with a unanimous vote of 6-0. For: Hoyt, Walden, Levitan, Elkins, Strauss and Coleman.

Chairman Elkins: That brings us to a motion.

A motion to recommend approval of CASE 103-16 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-3-4, DEVELOPMENT PLAN APPROVAL PROCESS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to ownership affidavits – subject to the revisions via Planning Commission discussion by the legal department and planning department prior to Governing Body consideration; seconded by Strauss.

Chairman Elkins: Is there any other discussion?

Comm. Coleman: In light of so many changes, should we push forward, or should we look at it again?

Chairman Elkins: Because the changes are not substantive in nature but relate to statutory drafting rules, I feel it is appropriate to continue. If you are concerned, it is at the discretion of the commission to request it to come back to us.

Motion carried with a unanimous vote of 6-0. For: Hoyt, Walden, Levitan, Elkins, Strauss and Coleman.

CASE 104-16 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-12, WIRELESS COMMUNICATION TOWERS AND ANTENNAS – Request for approval of an amendment to the Leawood Development Ordinance.
PUBLIC HEARING

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 104-16 – Leawood Development Ordinance Amendment to Section 16-5-12 – Wireless Communication Towers and Antennas. This is in direct response to a change in state statutes with House Bill 2131 that changed what cities could consider or require in applications. It also set time limits for consideration of the applications. Additionally, it has a tolling process. If the application is deemed incomplete, the city has 30 days to let the applicant know there is missing information. At that point, the clock would toll, and once the information is received and the application is deemed complete, the clock would start again.

Currently, the city requires a bond for removal of the structure of the antenna, and it can no longer be required. The city is able to get an inventory of the cell towers; however, no information can be required that shows that the particular cell tower being proposed is required to fill in a coverage hole. Additionally, the city is no longer able to require justification for a tower height. With regard to other information, the city can still require proof that an interact meeting was held as well as proof of notices for public notifications.

With regard to a new wireless support structure, the cities will have 150 days to consider it. For eligible facility requests, you have already seen an LDO amendment for 60 days. That is part of the reason it goes directly to the City Council, as the time period is so short. With regard to substantial changes, things that don't qualify for the 6409, there is a 90-day period and tolling as well for an incomplete application. Staff is recommending approval of this application, and I'd be happy to answer any questions.

Chairman Elkins: Thank you. Questions or comments?

Comm. Levitan: I'm assuming this is all based on Bill 2131, and it is really nothing city-driven.

Mr. Klein: That is correct. The only thing that is city-driven is the portion that addresses small cell sites, which are currently not addressed in the ordinance.

Comm. Pateidl: Is the removal of the bond requirement in accordance with the federal regulations?

Mr. Klein: I don't know if it is in accordance with federal regulations, but it is in accordance with this particular state bill.

Mr. Hall: It is for the state regulations. Bill 2131 no longer allows the city to require a bond.

Comm. Pateidl: It no longer allows the financial responsibility to take care of abandonment.

Mr. Klein: There is still a requirement for them to take the tower down; it just does not allow us to collect a bond for that purpose.

Comm. Pateidl: We are in an age of evolving technology, and I could see satellite communication making antennas and microwaves being obsolete and abandonment of those items. If the state says we can't require financial responsibility, I don't care. We can have all the requirements we want, but if they are down the road, the "taillight warranty" is over.

Chairman Elkins: Or more likely in bankruptcy.

Comm. Pateidl: Precisely, and that is the reason for that kind of a bond. If there is any latitude in that, I would be very much in favor of retaining that responsibility. If there is no latitude, there is nothing we can do. Duly note to the Governing Body that it certainly would not be my recommendation.

Chairman Elkins: Thank you. I agree with you on that. I can't let a cell tower pass without some commentary. This is frustrating. I would note for the record we not only have the United States Congress, but now we have the Kansas Legislature telling us what we can and can't do with respect to regulation of land, which historically has been uniquely a province of local home rule. There is not much we can do about it. They have the legislative and constitutional power to do so. When this is all said and done, what regulatory power does the City have left with respect to siting, erection and removal of cell towers? Is there anything left substantively here, or is it all prescribed by statute, either federal or state?

Mr. Klein: I think it allows us to take a look at it.

Chairman Elkins: But what can we do? If we complain about the height or notice that no one is there to take it down, the applicant still builds the tower.

Mr. Klein: To a large degree, you are correct. There are certain limitations. In Bill 6409, what is considered a substantial change is fairly generous. We get plans. We can see where they're located and look at height. We have written into the ordinance concealment efforts to try to make the towers more uniform. This does limit our abilities, though.

Chairman Elkins: We can still require shielding or landscaping to protect the aesthetics.

Mr. Klein: The concealment requirements we currently have with regard to the 6509 applications is that rather than 20 feet from the tower, it must be 7 feet from the tower.

The cabling has to be on the interior of the tower. The antennas have to be the same color as the tower. We are trying to maintain as much control as we are allowed to maintain.

Chairman Elkins: After both the congressional legislation and State of Kansas' legislation, do we have any regulatory authority over the height of the tower at all?

Mr. Klein: What Bill 6409 considers to be a substantial change is no more than 10% of the tower height. However, after that, it would be a substantial change, and the city has 90 days to consider it. It does limit us, but we currently have a height limit on the towers of 150 feet. Bill 6409 allows a height of 170 feet, but we use that as their one-time increase of the height of the tower so as to not allow another 20-ft. increase.

Chairman Elkins: But again, those are legislatively dictated.

Mr. Klein: The City put in the 150 feet height. The 10% increase is what the federal laws allowed for one time.

Chairman Elkins: Is it still within our discretion to require a Special Use Permit?

Mr. Klein: We still have the discretion, but we have not done that on the 6409 cases because the time frame is so short. A new tower coming in would still be required to obtain a Special Use Permit.

Chairman Elkins: The Governing Body, in the case of a change, still has the ability to require a Special Use Permit.

Mr. Klein: Correct.

Chairman Elkins: Do any of you happen to know what the Kansas League of Municipalities' position was on 3409? Was there an effort to block it at all?

Mr. Coleman: I think they were opposed to it.

Chairman Elkins: This seems to be a continuation of the carriers' efforts to circumvent any local attempt to regulate their activities. As Commissioner Pateidl noted, there is not much we can do. Are there other comments?

Comm. Coleman: I know we're not the only body that's frustrated in this. Overland Park recently had the same issue. I know we'll have some new representatives and senators, at least in my district in Central Leawood. Perhaps we should reach out to them to express our concerns and maybe get something changed. We're battling against lobbyists, and obviously, they have more money than we have.

Chairman Elkins: That brings us to a Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Strauss; seconded by Coleman.

Chairman Elkins: I would note that the carriers didn't even come to comment on the revision to the development ordinance that worked to their benefit.

Motion to close the Public Hearing with a unanimous vote of 6-0. For: Hoyt, Walden, Levitan, Elkins, Strauss and Coleman.

Chairman Elkins: This takes us to a motion of approval on Case 104-16.

A motion to recommend approval of CASE 104-16 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-12, WIRELESS COMMUNICATION TOWERS AND ANTENNAS – Request for approval of an amendment to the Leawood Development Ordinance – was made by Pateidl; seconded by Hoyt. Motion carried with a unanimous vote of 6-0. For: Hoyt, Walden, Levitan, Elkins, Strauss and Coleman.

CASE 105-16 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO ARTICLE 9, DEFINITIONS – Request for approval of an amendment to the Leawood Development Ordinance pertaining to the definition of Distributed Antenna System (DAS). **PUBLIC HEARING**

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 105-16 – Leawood Development Ordinance Amendment to Article 9, Definitions. This amendment pertains to the definition of a Distributed Antenna System (DAS) to match state statute. The definition will change to, “A network that distributes radio frequency signals and which consists of

1) Remote communications or antenna needs deployed throughout the desired coverage area, each including at least one antenna for transmission and reception.

2) A high-capacity signal transport medium that is connected to a central communications hub site.

3) Radio transceivers located at the hub site to process or control the communications signals transmitted and received by the antennas to provide wireless or mobile services within a geographic area or structure.

Staff is recommending approval, and I'd be happy to answer any questions.

Chairman Elkins: Are there questions for staff? Mr. Klein, can you tell us what it is you're seeking to achieve with these definitions?

Mr. Klein: The purpose is to match what is in the state statute. They got a bit more detailed than what we had in our ordinance.

Chairman Elkins: As with other modifications to city ordinance, a Public Hearing is required.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Strauss; seconded by Levitan. Motion carried with a unanimous vote of 6-0. For: Hoyt, Walden, Levitan, Elkins, Strauss and Coleman.

Chairman Elkins: This takes us to consideration, leading to a motion.

Comm. Pateidl: The last word in the second-to-the-last line says, “transmitted and received by through antennas.” It was read as “the antennas,” and I’m wondering if there is a typographical issue.

Mr. Hall: There is an error. It should be, “transmitted and received through the antennas.”

A motion to amend the pending motion to include the corrected wording was made by Hoyt; seconded by Coleman. Motion carried with a unanimous vote of 6-0. For: Hoyt, Walden, Levitan, Elkins, Strauss and Coleman.

CASE 105-16 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO ARTICLE 9, DEFINITIONS – Request for approval of an amendment to the Leawood Development Ordinance pertaining to the definition of Distributed Antenna System (DAS). Case carried with a unanimous vote of 6-0. For: Hoyt, Walden, Levitan, Elkins, Strauss and Coleman.

CASE 78-16 – 2016 ANNUAL UPDATE TO THE CITY OF LEAWOOD COMPREHENSIVE PLAN – Request for approval of the 2016 Comprehensive Plan. PUBLIC HEARING

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: Before I get started, I would like to note that a set of minutes from the September 13, 2016 Planning Commission Work Session is to be incorporated into the packet, and a Revised Comprehensive Land Use Map is to be incorporated and replaced with what was submitted last Friday.

This is Case 78-16 – Update to the City of Leawood Comprehensive Plan. This update is proposed to include the following:

- Updating demographic data to tables and figures in Section 2, applying the information from the American Community Survey for the City of Leawood. This information is as recent as 2014.
- Proposed amendments to the Comprehensive Plan Land Use Map include:

- North office complex at 89th and State Line Road currently is approximately 35 acres and is a combination of Medium Density Residential and Office. It is proposed by staff to change the land use designation to Mixed Use.
- A triangular tract of land of 14.5 acres located at 136th Street and State Line Road is currently depicted on the Comprehensive Land Use Map as Medium Density Residential. Staff is proposing a change to High Density Residential.
- Along 137th Street within Tuscany Reserve are 9 parcels currently depicted on the Comprehensive Land Use Map as Mixed Use. Staff is proposing to change the designation to Medium Density Residential to match existing conditions.
- Along 137th Street between Nall and Briar Street, staff is proposing to realign a future hike-bike trail along the existing right-of-way. Currently, the future hike-bike trail curves to the south, which would cut through church property and a building currently under construction.
- Staff is also proposing to add a future street network and a recently proposed residential subdivision, The Glyn of Leawood, located north of 151st Street and east of Mission Road.
- Staff is proposing the addition of 2 additional Historic Districts in North Leawood. The first is called the Leawood Historic District, which consists of residential properties between Somerset Drive and 83rd Street, adjacent to Manor Road, Meadow Lane, Lee Boulevard and High Drive. The second proposed Historic District is called Leawood Historic District 2, and this consists of residential properties between 83rd Street and 89th Street between approximately Belinder and State Line Road.
- Staff has also proposed updates to development data and area analysis information for North Leawood, Central Leawood and South Leawood.
- The final proposed update is to Section 3B1(v), titled Guide to Future Development, Goals and Policies, which addresses Mixed Use. Staff has proposed an updated definition of Mixed Use to closely match the definition of Mixed Use in the Leawood Development Ordinance creating a consistency between those two documents. Staff is recommending approval of Case 78-16, and I'm happy to answer any questions you may have.

Chairman Elkins: Are there questions?

Comm. Hoyt: I'm not sure if it is a typo or if I'm just misreading a section, but on Page 12, under Race and Ethnicity, it talks about the White Alone population as 92.5, and the remaining is listed as 5.7. Should it be 7.5?

Ms. Kriks: That is probably a transposition.

Comm. Hoyt: That same number reappears at the end of the third line on Page 12 and the middle of Page 13. Also, in the interpretation of the Table of Race and Ethnicity, I was trying to add percentages. Should the Leawood column add up to 7.5?

Ms. Kriks: It should add to 100 because we included white as well.

Comm. Hoyt: But all the other ones should add up to 7.5.

Ms. Kriks: Yes.

Comm. Hoyt: They add up to 9.1. They would add up to 7.5 without the entry for Two or More Races.

Ms. Kriks: I will double check the American Community Survey to verify the numbers.

Comm. Hoyt: I wondered if it was two or more, perhaps they were already counted under the individual categories.

Chairman Elkins: I think the point is not about the 100%; it is about the Non-White. Thank you.

Comm. Hoyt: Does that also then pull through to that figure 2.7? I think that's it.

Comm. Walden: Under VII is a List of Figures.

Ms. Kriks: Unfortunately, when we do the red lines, the formatting gets out of alignment. It will be corrected when we accept the pages.

Comm. Strauss: On the front page, it refers to the inclusion of 3 Historic Districts in North Leawood, but you only referred to 2. Is there another one in there that is not changing?

Ms. Kriks: After the Governing Body approved the 2015 update, they requested to incorporate the Lee Farmhouse District, which is along 96th Street between Lee Boulevard and State Line. I had originally included that in the memo.

Comm. Strauss: Can you tell me what identification as a Historic District triggers or protects?

Ms. Kriks: These are identified by the Leawood Historic Commission. Very recently, the Farmhouse District was identified. They get these passed by City Council.

Comm. Strauss: Does it protect a teardown of a house, or are there added protections?

Mr. Coleman: The Farmhouse District was one that was requested by Councilman Rasmussen so that the uniqueness of the street was acknowledged. The districts are unique to Leawood and don't carry state or federal historic designation.

Comm. Strauss: Is it being added to a state or national register?

Mr. Coleman: Not that I know of at this time.

Comm. Strauss: Does the LDO talk about them?

Mr. Coleman: No; it is mostly an honorary designation.

Comm. Strauss: The 135th Street Community Plan is referenced in here, which is good. Should Self-Propelled Leawood be referenced as well? I know we said it couldn't be added to the map, but should it be cross-referenced?

Mr. Klein: Currently, it is not, but it could be added.

Comm. Strauss: What are your thoughts on that?

Mr. Klein: It allows it to be considered part of the Comprehensive Plan.

Comm. Strauss: I think it's a good idea because that triggers certain bike routes and things on streets around and to developments.

Chairman Elkins: Were there any additional changes in what you submitted tonight over what we talked about in the work session?

Ms. Kriks: The addition was the inclusion of the proposed street network within The Glyn of Leawood at 151st Street and Mission Road. This shows proposed roads within the subdivision.

Chairman Elkins: I take it those have been approved.

Ms. Kriks: That is correct.

Chairman Elkins: There are dashed lines in the subdivision to the north. What do those represent?

Ms. Kriks: It shows a private trail in the Comprehensive Plan. It would cut through the subdivision at 143rd.

Chairman Elkins: Thank you. Are there additional questions? We are required to have a Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Strauss; seconded by Coleman.

Chairman Elkins: Are there any additional comments regarding the Comprehensive Plan?

A motion to recommend approval of CASE 78-16 – 2016 ANNUAL UPDATE TO THE CITY OF LEAWOOD COMPREHENSIVE PLAN – Request for approval of the 2016 Comprehensive Plan – was made by Coleman; seconded by Hoyt.

Chairman Pateidl: Are there any additional comments?

Comm. Pateidl: As everyone on the commission is aware, I am very much opposed to the inclusion of the piece of property at 89th and State Line to be Mixed Use. It does have a definite impact on the viability of what needs to be a redevelopment. I'm not certain Mixed Use is an appropriate posture for redevelopment, particularly when we have multiple owners involved, making it that much more difficult for a developer to make a viable proposition. Having said that, everything else in terms of the identified revisions, I fully support. As such, when it comes to a vote, I will be abstaining from casting a vote on this proposal.

Chairman Elkins: Thank you. One question I have relates to if Self-Propelled Leawood should be included as part of the Comprehensive Plan. Commissioner Coleman, did you intend to leave that out of your motion?

Comm. Coleman: We can include that in there.

Comm. Hoyt: I will second that.

Comm. Strauss: In addition, I want to ensure the changes Commissioner Hoyt pointed out get corrected as well.

Chairman Elkins: The motion that is pending before the commission for recommendation for approval of Case 78-16 – 2015 includes revisions to the plan indicated as presented to us, together with the updates and corrections of references to ethnicity in the document and inclusion of the Self-Propelled Leawood plan. Are there additional comments?

Comm. Levitan: I want to add to Commissioner Pateidl comments. I understand that the Comprehensive Plan is meant to be aspirational in nature, but I feel that it could impact the landowners in the future. I just don't want to see that. I'm not entirely convinced that the Comprehensive Plan won't impact future applications. For that reason, I will also abstain.

Chairman Elkins: Thank you. Are there additional comments? We will move to a vote.

Motion carried with a unanimous vote of 4-0. For: Coleman, Strauss, Hoyt and Walden. Abstaining: Pateidl and Levitan.

Chairman Elkins: I would rise to a point of personal privilege. Many of you know that Commissioner Walden has tendered his resignation to the commission, and tonight is his last meeting. He asked for a relatively low profile. I would like to express gratitude of the city, the commission and me personally for the great depth of experience, the attention to detail, the good judgement born on years of experience. Those will all be missed greatly. We hope that you will enjoy more of a rural life than what you did in Leawood.

Comm. Walden: When I started as a Planning Commissioner in Kansas City, Kansas, 13 years ago, my first meeting lasted 5 hours and 20 minutes. I'm really disappointed this meeting only lasted 70 minutes! Thank you very much. I have enjoyed it. I've gotten to know some friends and hopefully no enemies. I'll miss you guys.

MEETING ADJOURNED