

**City of Leawood  
Planning Commission Meeting  
March 27, 2018  
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:** Belzer, Hoyt, Levitan, Pateidl, Elkins, Coleman, Block, and Stevens. Absent: Strauss

Chairman Elkins: The chair notes that Commissioner Stevens has joined us tonight for the first time. I understand he has signed the Oath of Office and will become a voting member tonight. Welcome to the Planning Commission.

Comm. Stevens: Thank you.

Chairman Elkins: This moves us to the approval of the agenda. If there are no revisions, the chair would entertain a motion.

**APPROVAL OF THE AGENDA**

**A motion to approve the Agenda was made by Hoyt; seconded by Belzer.**

Comm. Coleman: We received the separate Agenda in our email.

Chairman Elkins: I believe those were minutes.

Mr. Klein: If there was a second Agenda, it didn't change.

**Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Pateidl, Coleman, Block, and Stevens.**

**APPROVAL OF MINUTES:** Approval of the minutes from the February 27, 2018 Planning Commission meeting and the February 27, 2018 Planning Commission Work Session. This is a motion for the last set of draft minutes.

**A motion to approve the minutes from the February 27, 2018 Planning Commission meeting was made by Block; seconded by Hoyt. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Pateidl, Coleman, Block, and Stevens.**

**A motion to approve the minutes from the February 27, 2018 Planning Commission Work Session was made by Belzer; seconded by Coleman. Motion carried with a**

**unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Pateidl, Coleman, Block, and Stevens.**

Chairman Elkins: There are two cases continued to the April 19, 2018 Planning Commission Meeting.

**CONTINUED TO THE APRIL 19, 2018 PLANNING COMMISSION MEETING:**  
CASE 37-18 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-1.2, LOCATION AND HEIGHT OF ACCESSORY USES, BUILDINGS, AND STRUCTURES – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to accessory uses. **PUBLIC HEARING**

CASE 38-18 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-1.3, PERMITTED ACCESSORY USES, BUILDINGS, AND STRUCTURES – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to accessory uses. **PUBLIC HEARING**

**CONSENT AGENDA:**

CASE 17-18 – TOMAHAWK CREEK CONDOMINIUMS – PRIVATE ADDRESS SIGNS – Request for approval of a Revised Final Plan, located north of Town Center Drive and west of Tomahawk Creek Parkway.

CASE 27-18 – BI-STATE/CENTENNIAL BUSINESS PARK – MONUMENT SIGN REMOVAL – Request for approval of a Revised Final Plan, located east of Kenneth Road and South of 143<sup>rd</sup> Street.

Chairman Elkins: There are two cases on the Consent Agenda. Does anyone wish to discuss either case?

**A motion to approve the Consent Agenda was made by Block; seconded by Pateidl. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Pateidl, Coleman, Block, and Stevens.**

**NEW BUSINESS:**

CASE 21-18 – CAMELOT COURT – HARRY’S LIQUOR STORE – Request for approval of a Special Use Permit for Packaged Liquor Sales, located south of Town Center Drive and east of Roe Avenue. **PUBLIC HEARING**

**Staff Presentation:**

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 21-18 – Harry’s Liquor Store – Request for approval of a Special Use Permit for Packaged Liquor Sales. This is an existing liquor store located in Camelot Court, adjacent to Hen House. The store has been in this location since 2016. The applicant is taking over ownership. In Leawood, Special Use Permits are issued to the owner or operator of the store. The name of the store and hours of operation will

remain the same, and there are no exterior building façade changes or parking changes. The Special Use Permit for the store shall be limited to a term of 20 years, and staff recommends approval of Case 21-18 with the stipulations outlined in the Staff Report.

Chairman Elkins: Thank you. Questions for Ms. Schuller? Seeing none, I would invite the applicant to step forward.

**Applicant Presentation:**

Monica Coburn, 11721 Roe, Suite A, Leawood, appeared before the Planning Commission and stood for questions.

Chairman Elkins: I note staff has notified five stipulations as conditions for approval. Do you have any objections to those?

Ms. Coburn: I do not.

Chairman Elkins: Thank you. Does anyone have any questions? Because this is a request for approval of a Special Use Permit, it requires 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 Hoyt. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Pateidl, Coleman, Block, and Stevens.**

Chairman Elkins: That brings us to discussion of Case 21-18. Any comments?

**A motion to recommend approval CASE 21-18 – CAMELOT COURT – HARRY’S LIQUOR STORE – Request for approval of a Special Use Permit for Packaged Liquor Sales, located south of Town Center Drive and east of Roe Avenue – was made by Hoyt; seconded by Stevens. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Pateidl, Coleman, Block, and Stevens.**

CASE 25-18 – CAMELOT COURT – DIAMONDS DIRECT – Request for approval of a Final Plan for changes to the façade of a building, located north of 119<sup>th</sup> Street and east of Roe Avenue.

**Staff Presentation:**

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 25-18 – Camelot Court – Diamonds Direct -Request for approval of a Final Plan for changes to the façade of a building. Diamonds Direct is located in Camelot Court, adjacent to McDonald’s. The site is the previous location of Longhorn Steakhouse. The applicant is requesting approval of a Tenant Finish to alter the exterior of the building with no changes to the footprint of the building or the parking lot and site circulation. The applicant is proposing a generally light tan building accented

with grey stucco and natural stone. The applicant is proposing to remove and replace the building awnings with black natural canvas awnings and to install a black metal canopy at the entrance in place of the existing columns. The applicant will install new window and storefront systems and update the exterior lighting as well. The Landscape Plan will remain with the exception of 2 additional parking lot trees and a few new shrubs located on the north side of the building. The application is in conformance with the Leawood Development Ordinance. Staff recommends approval of Case 25-18 with the stipulations in the Staff Report. I'd be happy to answer any questions.

Chairman Elkins: Thank you. Questions for Ms. Schuller? Seeing none, I would invite the applicant to step forward.

**Applicant Presentation:**

Henry Klover, Klover Architects, 10955 Lowell, Overland Park, appeared before the Planning Commission and made the following comments:

Mr. Klover: I'm pleased to be here tonight with Jeff Baer from Diamonds Direct. We wanted to get them in this location for a couple years. I was prohibited from telling anyone because of Longhorn. We are thankful to staff for working with us. We showed up the day they closed the restaurant. Diamonds Direct is excited to get this project in motion. Staff did an excellent job of explaining the project. We are here to answer any questions.

Jeffrey Baer, Operations Vice President for Diamonds Direct, 4150 Praline Court, Marietta, GA, appeared before the Planning Commission and made the following comments:

Mr. Baer: This has been a long 2 years, looking to try to find a home here. We're excited to get started.

Chairman Elkins: I note that staff's presentation includes 15 stipulations. Do you have any objections?

Mr. Klover: We're perfectly fine with all the stipulations.

Chairman Elkins: Thank you. Are there any questions? Any discussion of Case 25-18, leading to a motion?

**A motion to recommend CASE 25-18 – CAMELOT COURT – DIAMONDS DIRECT – Request for approval of a Final Plan for changes to the façade of a building, located north of 119<sup>th</sup> Street and east of Roe Avenue -with 15 Stipulations – was made by Block; seconded by Coleman. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Pateidl, Coleman, Block, and Stevens.**

CASE 26-18 – BI-STATE/CENTENNIAL BUSINESS PARK REPLAT -Request for approval of a Revised Final Plat, located north of 142<sup>nd</sup> Street and east of Kenneth Road.

**Staff Presentation:**

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 26-18 – Bi-State Centennial Replat – Request for approval of a Revised Final Plat. There is a correction staff would like to make at this time. On Page 2, under the Final Plat comments, the second bullet states that there are 4 different changes to be made to the plat, and there are actually 3.

Chairman Elkins: Thank you.

Mr. Sanchez: The properties are located north of 142<sup>nd</sup> Street and east of Kenneth Road. Surrounding the properties to the north are single-family homes. To the south is a continuation of the Bi-State Business Park and Centennial Park. To the east is the rest of the Bi-State Centennial Business Park with the city of Kansas City. To the west across Kenneth Road is the single-family subdivision of Highlands Ranch. The applicant is proposing to modify the north building line setback from 125' from a past LDO to the current 75' building setback when adjacent to a residentially zoned area. This regulation change was made in December, 2002 and is current today. The applicant is also proposing to merge Lot 9 of the Bi-State Business Park and part of Lot 1 Centennial Park with the exception of the southernmost 10' between the and the property's parking lot to the south. The reasoning for the 10' wide lot is to not allow the southern adjacent property owner to become nonconforming because a 10' buffer is required between the side yard setback and surface parking lot in all planned Business Park areas. The applicant is also proposing to merge the easternmost lots of the proposed properties, which would be Lots 14 and 15 of the Bi-State Business Park. Staff recommends approval of Case 26-18 with the Stipulations stated in the Staff Report, and I would be happy to answer any questions.

Chairman Elkins: Are there questions for Mr. Sanchez? Will there still be a Lot 1 that only has 10' linear facing on it?

Mr. Klein: Yes; currently, Lot 1 has a southern boundary that goes all the way to the parking lot. The light fixtures associated with the parking lot are actually located on Lot 1. Per the LDO, a 10' buffer is required between the parking lot and the adjacent lot. This ensures that the buffer is maintained and also that the parking lot light fixtures remain associated with the parking lot to the south.

Chairman Elkins: Lot 1 will include both the 10' and the parking lot?

Mr. Klein: Lot 1 will just be the part that is in the 10' to the north. Another plat was done for the property that includes the buildings to the south. There is a tract with a condominium plat going around the footprint of each one of those buildings.

Chairman Elkins: It just seems strange to have a lot that is 10' by some other dimension.

Mr. Klein: Yes; we are trying to keep it from being nonconforming. In the past, the plat was done without the realization that the parking lot was there. We don't want to violate that 10' buffer, and we want to make sure the light fixtures associated with the parking lot are maintained with it. The lot to the south was originally part of Lot 1. They came in later and did another plat.

Mr. Coleman: The property was sold, and we don't control what they sell. They sold property that created the nonconformity. When they came back in to add the piece of property they sold, we required them to maintain the 10' so that the lot split off would not be nonconforming.

Chairman Elkins: Is this the only and best vehicle to do that? It seems like you could do the same thing with an easement of some sort. It just feels odd to have a 10' lot.

Mr. Coleman: It requires the property line, so that is why it is that way. It is not ideal, but we don't have any control over them selling pieces of property.

Mr. Klein: (*Refers to diagram*) The buildings were constructed, and then they wanted to do a condominium plat. At that time, they created a tract that went around and did property lines around the individual buildings themselves. They had units located for the building and a tract surrounding it. I think the intention was that this would be merged into the other one. However, what happened was that the lot line was drawn too close to the parking lot. It separated the light fixtures and did not maintain the required 10' buffer to stay with the property. The property was then sold.

Chairman Elkins: Thank you. Additional questions for staff? I would invite the applicant to step forward.

**Applicant Presentation:**

Steve Moreno, 1200 SW Executive Drive, Topeka, KS, and Chad Lander, Vermont Asset Management, 14601 Reinhart, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Moreno: The Replatting and reducing of the 125' setback on the rear line is going to make the property more able to be developed.

Chairman Elkins: I note that staff has identified 3 stipulations. Do you have any objection?

Mr. Moreno: No.

Chairman Elkins: Thank you. Other questions? That brings us to discussion.

**A motion to recommend approval of CASE 26-18 – BI-STATE/CENTENNIAL BUSINESS PARK REPLAT -Request for approval of a Revised Final Plat, located north of 142<sup>nd</sup> Street and east of Kenneth Road – with 3 Stipulations – was made by**

**Hoyt; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Pateidl, Coleman, Block, and Stevens.**

CASE 36-18 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-1.2, LOCATION AND HEIGHT OF ACCESSORY USES, BUILDINGS AND STRUCTURES – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to accessory structure height. **PUBLIC HEARING**

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 36-18 – Leawood Development Ordinance Amendment to Section 16-4-1.2 – Accessory Uses, pertaining to the height of Accessory Uses. This amendment is related to Case 28-18 and has to do with the height of Accessory Structures within commercial districts. Currently, the LDO has the same height limitation for both Residential and Commercial, which is 15’. In recognition of uses and scale of the buildings, which vary significantly from single-family houses of 35’, the limit could be increased to 25’. This came to our attention because of a case that came forward with a flagpole. We have these buildings that are substantial, and the scale will be more appropriate with the increase. In addition, the applicants are proposing a covered patio. This amendment would allow that structure as well. I reviewed ordinances in neighboring cities. Overland Park doesn’t have a limitation for Accessory Uses within Commercial. They limit to 20’ within Residential. Lenexa allows 25’ for Residential. I didn’t see one for commercial. Staff feels this is appropriate due to scale and use of Commercial districts and is recommending approval. I’d be happy to answer any questions.

Chairman Elkins: Thank you. Are there questions? What is the definition of Accessory Structures? You mentioned a flagpole, but can you tell us more about the scope of this?

Mr. Klein: Accessory structures are any structures that are ancillary to the primary use. In the Office district, any structure that is not that office building would be considered an ancillary structure. In the past, pergolas have been proposed. Park Place has identity monuments. Architectural elements such as an archway would be included. In Article IV of the LDO, it goes through each zoning district and lists uses that would be considered Accessory Uses.

Chairman Elkins: Are those lists exclusive, or are other uses included?

Mr. Klein: It is an exclusive list; however, the items build on one another. For instance, a number of the districts incorporate the uses of the previous district. Multi-Family includes everything in Single-Family.

Chairman Elkins: Thank you. Additional questions?

Comm. Block: A garage is not considered an Accessory Structure?

Mr. Klein: It is typically attached to the primary structure and therefore is considered part of that structure. We have a section in the Accessory Structures that allows detached garages, but they must be architecturally detached. They have to be within 15' of the structure and have a minimum of 10' in width. An architectural connection must exist between them. That is considered one structure. The detached garage is not allowed.

Comm. Block: That is Residential and Commercial?

Mr. Klein: That is Residential as far as having to architecturally attached. Within Commercial, parking garages are allowed that are freestanding.

Chairman Elkins: Would those be subject to the 25' limit?

Mr. Klein: No, because they would be considered a primary use and therefore allowed.

Chairman Elkins: Additional questions? Because this is an amendment to the LDO, a Public Hearing is required.

### **Public Hearing**

**As no one was present to speak, a motion to close the Public Hearing was made by Pateidl; seconded by Coleman. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Pateidl, Coleman, Block, and Stevens.**

Chairman Elkins: That brings us to discussion of the case. Is there any additional comment or question?

**A motion to recommend approval of CASE 36-18 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-1.2, LOCATION AND HEIGHT OF ACCESSORY USES, BUILDINGS AND STRUCTURES – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to accessory structure height – was made by Belzer; seconded by Hoyt. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Pateidl, Coleman, Block, and Stevens.**

CASE 28-18 – PINNACLE III – CROSSFIRST BANK – COURTYARDS -Request for approval of a Revised Final Plan, located south of 114<sup>th</sup> Street and west of Tomahawk Creek Parkway.

### **Staff Presentation:**

City Planner Ricky Sanchez made the following presentation

Mr. Sanchez: This is Case 28-18 – Pinnacle III – CrossFirst Bank – Courtyards – Request for approval of a Revised Final Plan. The property is located south of 114<sup>th</sup> Street and west of Tomahawk Creek Parkway. Surrounding property to the north is

Pinnacle III Parking Garage and 114<sup>th</sup> Street. Across from 114<sup>th</sup> Street is The Woods subdivision. Directly south of the property is the Pinnacle II building. Farther south is Tomahawk Creek Parkway. To the east of the property is the American Academy for Family Physicians office building. To the west of the property across 114<sup>th</sup> Street is The Woods residential subdivision. The applicant is proposing a roofed courtyard area between the Pinnacle III building and the parking garage to the north, reconstruction of the courtyard areas at the entrances of the Pinnacle III building and a flagpole to be installed in the middle of the circular drive between the Pinnacle II and Pinnacle III buildings. New LED bollards will surround the new courtyard areas, the Pinnacle III building, and portions of the existing shared space areas between the Pinnacle II and Pinnacle III buildings. In total, 11 parking stalls will be eliminated from the current amount of parking on the property, but it will still meet the total required parking by the LDO. The courtyard area is approximately 10,000 square feet in size, running east to west the length of Pinnacle III with a 20' tall freestanding roofed canopy covering approximately 2,600' in the courtyard area. It will stand east of the existing covered walkway that connects the Pinnacle III building to the parking garage to the north. The freestanding canopy will be constructed of a steel structure with translucent paneling above. The canopy will be supported by 6 columns that will be covered with cast stone. The courtyard will be filled with new landscaping, including bushes, trees, annuals, planter pots, new lighting with the new LED Bollards, uplighting, pole lights, a 3.5' tall feature wall, ceiling fans, infrared heaters, and moveable furniture. Along with the courtyard, the applicant is proposing to construct the east and west entrances of the Pinnacle III building. Both entrances will be constructed of 3 different types of paving, including charcoal-colored concrete, light tan concrete, and a brick inlay that will match the existing brick on the Pinnacle III building. The entrances will also include new LED bollards to match the bollards proposed for the canopy area. The west entrance will include a 1.5' tall circular feature wall on the north and south sides of the sidewalk made of cast stone. The applicant is also proposing to erect a flagpole that will be located at the center of the circular drive between Pinnacle II and Pinnacle III and will meet the maximum height requirement of the LDO. Staff recommends approval of Case 28-18 with the stipulations stated in the Staff Report, and I'd be happy to answer any questions.

Chairman Elkins: Thank you. Questions for Mr. Sanchez?

Comm. Stevens: As part of the Staff Report, the attached letter from Bloch Real Estate Services indicated part of the project is an additional generator, enclosure and fencing.

Mr. Klein: That is another project associated with this. The letter combined both. It has already been approved.

Comm. Hoyt: Are there bicycle racks?

Mr. Sanchez: There are no bicycle racks proposed with this application, but it is something we can add.

Comm. Hoyt: I'm looking out for the interest of Commissioner Strauss as well as Self-Propelled Leawood.

Chairman Elkins: I'm sure Mr. Strauss will also be pleased that we're eliminating a small number of parking spots.

Comm. Hoyt: It seems like this would be an area that would be conducive, especially with the outdoor feature that is being added.

Chairman Elkins: It is relatively close to the bike path.

Comm. Belzer: It might already have it.

Mr. Klein: The applicant might be able to answer that.

Chairman Elkins: Additional questions for staff? I would invite the applicant to come forward.

**Applicant Presentation:**

Michael Goslinga, Hoefler Wysocki, 11460 Tomahawk Creek Parkway, Suite 400, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Goslinga: We had not planned on a bike rack to this point. I don't see any reason why we wouldn't be able to get that in if you thought it was a good idea. It would be a simple add.

Chairman Elkins: Do you have any concerns about the 22 stipulations?

Mr. Goslinga: We did not have any objections. They seem to be generally acceptable.

Chairman Elkins: Does anyone on the commission have questions for Mr. Goslinga? Seeing none, that brings us to discussion.

Comm. Coleman: This is the old building I used to work in. I think I recall bike racks inside the parking garage near the entrance. I may be wrong, but I somewhat remember that. If you want to add them in, I think that's fine as well.

Chairman Elkins: Thank you. Other comments or questions? Is there a motion?

**A motion to recommend approval of CASE 28-18 – PINNACLE III – CROSSFIRST BANK – COURTYARDS -Request for approval of a Revised Final Plan, located south of 114<sup>th</sup> Street and west of Tomahawk Creek Parkway – with the addition of a request for bicycle racks if none currently exist, for a total of 23 stipulations – was made by Hoyt; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Pateidl, Coleman, Block, and Stevens.**

CASE 39-18 – 2017 ANNUAL REVIEW REGARDING THE 135<sup>TH</sup> STREET CORRIDOR TRANSPORTATION FEE.

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 39-18. This application and the following application are annual reports with regard to impact fees associated with transportation. This case is regarding the 135<sup>th</sup> Street Impact Fee, which is actually collected between 133<sup>rd</sup> Street and 137<sup>th</sup> Street. If any properties in that area develop, the fee would apply. That money is used for improvements within the corridor along 135<sup>th</sup> Street. Last year, there was a question with regard to when these ordinances went into effect. The South Leawood Transportation Fee went into effect in February of 1988, and the 135<sup>th</sup> Street Impact fee went into effect in January of 1998. Currently, the balance shown in the account for the 135<sup>th</sup> Street Corridor Impact Fee is \$72,792.03. The Public Works Director has indicated that the money will actually be used to install LED lighting along 135<sup>th</sup> Street.

Chairman Elkins: Questions for Mr. Klein? You indicated this ordinance goes back to 1998.

Mr. Klein: I misspoke. The 135<sup>th</sup> Street Corridor Impact Fee was on January 4, 1988 with Ordinance 1027C, and the South Leawood Transportation Impact Fee was on February 1, 1988 with Ordinance 1031C

Chairman Elkins: That is about 30 years. Was the amount of the assessment set forth in the 1988 ordinance?

Mr. Klein: It is. The one for 135<sup>th</sup> Street was updated in 2012 with Ordinance 2554C on July 16, 2012. The one for the South Leawood Transportation Impact Fee has not been updated.

Chairman Elkins: We'll revisit this when we get to the South Leawood Transportation Fee. That means that we're only about 6 years from the most recent update. When that was revised in 2012, was the amount of the assessment adjusted at that time?

Mr. Klein: I believe so.

Chairman Elkins: Is staff comfortable with the assessment rates that are currently in the 135<sup>th</sup> Street Corridor Impact Fee Ordinance? As part of our overall Implementation Plan for the 135<sup>th</sup> Street Corridor, is that something we need to revisit?

Mr. Klein: It seems like it is a reasonable amount to charge based on the uses and the fact that it is a square foot charge, so the larger the building, the higher the fee.

Chairman Elkins: As we have modified the plan on use for the 135<sup>th</sup> Street Corridor, do we as a group need to revisit this assessment, the Arts assessment and perhaps some of the other assessments that go along with the process?

Mr. Klein: With regard to the Arts, the Public Art Committee is the one that is reviewing that fee. They might revisit that. It was bumped up from 10 cents to 15 cents per square foot a few years ago. The Parks Board is reviewing the Park Impact Fee. The Planning Commission is the board that reviews the 135<sup>th</sup> Street Fee and the South Leawood Transportation Impact Fee. That definitely is something we can look at.

Chairman Elkins: Other questions for Mr. Klein?

Comm. Block: Based on the memo, it looks like it was 2004 and not 2012 for the 135<sup>th</sup> Street fee. Is that the most recent one?

Mr. Klein: For 135<sup>th</sup> Street, the most recent ordinance is from Jul 16, 2012. I can double check that.

Comm. Block: What is the difference between a Site Plan Fee and whatever else we're talking about? I thought they were one in the same.

Mr. Klein: I think you are right that the fee was changed to the current amount in 2004.

Chairman Elkins: That means we are now 14 years since we last resized the assessment feet.

Mr. Klein: That is correct.

Chairman Elkins: My thought is that we ought to revisit it and determine if it is the correct assessment. That is not a suggestion that we need to increase it but merely to review it. Thank you, Commissioner Block. Any other questions for Mr. Klein? Do I hear a motion?

**A motion to recommend approval of CASE 39-18 – 2017 ANNUAL REVIEW REGARDING THE 135<sup>TH</sup> STREET CORRIDOR TRANSPORTATION FEE – was made by Stevens; seconded by Hoyt. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Pateidl, Coleman, Block, and Stevens.**

CASE 40-18- 2017 ANNUAL REVIEW REGARDING THE SOUTH LEAWOOD TRANSPORTATION IMPACT FEE.

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 40-18. The South Leawood Transportation Impact Fee is collected on properties that are south of 135<sup>th</sup> Street. This particular fee is based on a

formula. It has a coefficient of \$625 and is then multiplied by the gross acres. It is usually charged with a Final Plat. That is when we get the gross acres. The distance is measured along the north-south direction from 135<sup>th</sup> Street down to the entrance. There was a comment made about this being south of 135<sup>th</sup> Street and the 135<sup>th</sup> Street Impact Fee covers 133<sup>rd</sup> Street to 137<sup>th</sup> Street and potential overlap. There could be; however, typically, it is not because the developments on 135<sup>th</sup> Street have at least one entrance coming off 135<sup>th</sup> Street, which makes that number zero. That then causes the rest of the calculation to go to zero. If a business had a main entrance farther away from 135<sup>th</sup> Street, there would be a bit of a calculation there. The reason there is more money within the South Leawood Transportation Impact Fee is that it's a much larger area that has been collected over time. That is part of the reason there is more money there. Staff recommends approval, and I would be happy to answer any questions.

Chairman Elkins: Questions for Mr. Klein? Can you tell us a little bit about how the \$625 coefficient was arrived at? I assume it was not random.

Mr. Klein: I would assume not. I unfortunately don't have any history on that. I've read through the ordinance, and it mentions the coefficient, but I'm not sure the studies went into effect at the time.

Chairman Elkins: Mr. Coleman, do you have any perspectives?

Mr. Coleman: No, I don't.

Chairman Elkins: Fair enough. The way you explain the formula, 625 is what drives the assessment, and the rest of the formula is an adjustment made based on distance away from 135<sup>th</sup> Street.

Mr. Klein: Correct; whereas, the 135<sup>th</sup> Street Fee is based on square footage as far as the adjustment. This does it on distance and gross acres.

Chairman Elkins: No provision for adjusting over time?

Mr. Klein: I did not see one, no.

Chairman Elkins: When was the last time this pricing was revisited?

Mr. Klein: I would have to go back and check, but I wrote down February 1, 1988 as the date. I'll doublecheck that.

Chairman Elkins: For the part of Leawood this impacts, is there much open space that has not been assessed?

Mr. Klein: I would say the majority of South Leawood probably has mostly residential development. Most has probably already been assessed.

Chairman Elkins: I think when we revisited the Comprehensive Plan, one of the points was that in South Leawood, we are largely built out at this point.

Mr. Klein: That is correct. In fact, we are seeing 151<sup>st</sup> Street and Mission Road as the last pieces of property for Residential come in with a Preliminary Plan.

Chairman Elkins: Perhaps there is less of a need to revisit this one as opposed to 135<sup>th</sup> Street.

Mr. Klein: I would say that is probably true just in the fact that 135<sup>th</sup> Street has quite a bit left to be developed.

Chairman Elkins: Thank you. Additional questions? Do I hear a motion?

**A motion to recommend approval of CASE 40-18- 2017 ANNUAL REVIEW REGARDING THE SOUTH LEAWOOD TRANSPORTATION IMPACT FEE – was made by Coleman; seconded by Stevens. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Pateidl, Coleman, Block, and Stevens.**

*MEETING ADJOURNED*