

**City of Leawood
Planning Commission Meeting
February 26, 2019
Dinner Session – 5:30 p.m. – No Discussion of Items
Leawood City Hall – Main Conference Room
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: Hunter, Belzer, Pateidl, Elkins, Coleman, Block, and Stevens. Absent: Hoyt and Straus.

APPROVAL OF THE AGENDA

Chairman Elkins: I note there is a revised agenda. Do any commissioners have questions about the revised agenda? Does staff have any other comments?

Mr. Klein: No.

A motion to approve the revised agenda was made by Coleman; seconded by Stevens. Motion carried with a unanimous vote of 6-0. For: Hunter, Belzer, Pateidl, Coleman, Block, and Stevens.

APPROVAL OF MINUTES: Approval of the minutes from the January 29, 2019 Planning Commission meeting and the February 12, 2019 Planning Commission work session.

A motion to approve the minutes from the January 29, 2019 Planning Commission meeting was made by Stevens; seconded by Belzer. Motion carried with a unanimous vote of 6-0. For: Hunter, Belzer, Pateidl, Coleman, Block, and Stevens.

Comm. Coleman: On page 5, under my name, the sentence that begins, “I tend to agree...” should be Mr. Coleman as opposed to myself. Then, also the last sentence that begins, “People would plant trees...” should also be Mr. Coleman.

A motion to approve the minutes as amended from the February 12, 2019 Planning Commission work session was made by Coleman; seconded by Belzer. Motion carried with a unanimous vote of 6-0. For: Hunter, Belzer, Pateidl, Coleman, Block, and Stevens.

CONSENT AGENDA:

CASE 07-09 – SMITH ESTATE – Request for approval of a Revised Final Plan, located south of 143rd Street and west of Mission Road.

CASE 08-19 – PLAZA POINTE – REVISED SIGN CRITERIA – Request for approval of a Revised Final Sign Plan, located south of 135th Street and east of Briar Street.

CASE 09-19 – TOWN CENTER CROSSING – LOVESAC (RETAIL: FURNITURE) – Request for approval of a Final Plan for Changes to the Façade of a Tenant Space, located south of 119th Street and east of Roe Avenue.

Chairman Elkins: Do any commissioners wish to pull any case for discussion?

A motion to approve the Consent Agenda was made by Belzer; seconded by Stevens. Motion carried with a unanimous vote of 6-0. For: Hunter, Belzer, Pateidl, Coleman, Block, and Stevens.

NEW BUSINESS:

CASE 01-19 – HILLS OF LEAWOOD SINGLE FAMILY SUBDIVISION – Request for approval of a Revised Preliminary Plan, Revised Preliminary Plat, Final Plan, and Final Plat, located north of 151st Street and east of Mission Road. **PUBLIC HEARING**

Staff Presentation:

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: Before we start, I want to make a change to the Staff Report. Under the second bullet in Staff Comments on Page 9, it shows Stipulation 16 and should read Stipulation 19.

Chairman Elkins: Please proceed.

Mr. Sanchez: This is Case 01-19 – Hills of Leawood Single Family Subdivision – request for approval of a Revised Preliminary Plan, Revised Preliminary Plat, Final Plan, and Final Plat, located north of 151st Street and east of Mission Road. Some of the commissioners may remember this project from last year. The original Preliminary Plat and Plan were approved and passed by the Governing Body with Case 129-17. The Final Plat and Final Plan were approved by Governing Body with Case 35-18. After construction began on the first phase, a land survey concluded that the boundaries originally approved were incorrect, along with an unknown 60' KCP&L easement on the western boundary of the project area. The project had also added an additional land area to include a detention basin under the power lines to the west of the project area. These changes created enough of a change in the Preliminary Plan to create a need for the development to resubmit a Preliminary Plan and Preliminary Plan. With this application, the applicant is proposing a new single family subdivision that will include 70 single family lots with eight tracts on 44.16 acres. The previous plan had requested 73 residential lots and ten tracts on 43.78 acres. This is a difference of three lots and .38 acres. The development is still proposed to be constructed in multiple phases. The first phase will include 40 single family residential lots on seven tracts. The second phase would include 30 single family lots and one tract. A third phase is a change from the

original proposal and would include an amenity area as well as a trail connection to Ironwoods Park and a dry detention basin located on the west side of the project area. The applicant is also re-requesting the deviations for the development, including a deviation to the interior side yard setback from a minimum of 15 feet to 12.75 feet for 32 lots and a rear yard setback that may be reduced to 85% of the standard requirement for 32 lots. The majority of the development has stayed the same, including a 10' tree preservation easement along the north and east boundaries with a 5' wrought iron fence along the north side of the development, two connections to Ironwoods Park, a detention pond that will feature a water fountain within Tract D near the main entrance, and a monument sign located within Tract B at the entrance with a variety of monument walls leading north into the development on both Tracts A and B. One of the largest changes is located at the southwest corner of the development. Previously, a temporary road was requested to be constructed for emergency access into the site from Mission Road. In this set of revised plans, the development is proposing a curved cul de sac that will be dedicated as a right-of-way to allow for emergency vehicular turnaround, along with additional emergency access easement, located west of the cul de sac that will serve as a future connection to Mission Road. The Preliminary Plat, Preliminary Plan, Final Plat, and Final Plan meet the regulations of the Leawood Development Ordinance (LDO) with the deviations requested and variance granted. Staff recommends approval of Case 01-19 with the stipulations listed in the Staff Report. I'd be happy to answer any questions.

Chairman Elkins: Does anyone have questions for Mr. Sanchez?

Comm. Block: At the top of Page 3, the first bullet says that it should have cul de sacs on each side, and it should be sidewalks.

Mr. Sanchez: Thank you.

Comm. Block: Are the amenities required, or is that just the developer's choice?

Mr. Sanchez: There are no amenities required within residential zoning. It was up to the developer; they just didn't have all the details needed to go forward with the amenity area with this application. They will come back with another application at a future time.

Comm. Block: Do you think the timing would be close to the other phases?

Mr. Sanchez: I think that would be a better question for the developer.

Chairman Elkins: Thank you. Other questions for Mr. Sanchez? I have two. When we saw this project before, was it presented as a Final Plan and Final Plat at that time?

Mr. Sanchez: The whole development came in as a Preliminary Plat and Preliminary Plan. The first phase of the development came through with 40 residential lots with so many tracts on it. The land survey showed errors in the platting of the development, which caused some lots to change and also including a 60' easement that was found. That was enough to send this back to the preliminary stages.

Chairman Elkins: What I'm getting at is when we saw it before, it was not for Final Plan and Final Plat, even for Phases 2 and 3?

Mr. Sanchez: No; just the first phase had gone through.

Chairman Elkins: Are we revising the Final Plan with respect to Phase 1, or are all changes with respect to Phases 2 and 3?

Mr. Klein: This will revise the entire development. We thought it would be cleaner if we went back to the beginning. We went back to Preliminary and will include Revised Final for the first phase and Final for the second and third phases.

Chairman Elkins: This is more housekeeping than anything else, but given that, shouldn't it also be a Revised Final Plan and Revised Final Plat?

Mr. Klein: We didn't do that because a new section is part of this. Instead of trying to break out Revised Final Plan - First Phase, Revised Final Plan - Second Phase, and Revised Final Plan - Third Phase, we just simply called it Revised Preliminary. Since a portion of it had never been in the final stages, we called it Final Plan and Final Plat for the overall development.

Chairman Elkins: The same question applies to the requested deviations. I assume we recommended these deviations for approval the last time.

Mr. Sanchez: That is correct. The only changes were the numbered lots, which were different at that time. The number of the lots changed, so the number of lots changed. The deviations haven't changed.

Chairman Elkins: Thank you. I would invite the applicant to step forward.

Applicant Presentation:

Mark Simpson, 15145 Windsor Circle, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Simpson: I'm here with my partner Saul Ellis. Our engineer is Tim Tucker with Phelps Engineering, and he'll be happy to answer any questions you may have. This is a little bit of a housekeeping matter tonight. This land was platted by Kroh Brothers in 1973. It was discovered later during a comprehensive survey by Phelps that this 640-acre section actually has 639.8 acres in it. It is 2.5 feet short east and west and .3 feet short north and south. We figured out how to make it work and not change things greatly, but we got title work, and it turned out there was an original 100' easement for KCP&L in the '40s or '50s. In the '60s, there was a second 60' easement granted on the east side of the property to a different entity, but KCP&L got it. That caused us to have to go back to the long-time landowner, who bought it from Kansas Art Institute, to whom the Kroh brothers had donated. We had to change our plan and reduce it from 73 lots to 70. We are

just correcting the fact that it's not a 640-acre section. We always planned on a detention pond under the power lines. We planned to add that to the second phase, but it really needs to be in the Preliminary Plat in the legal description. We've had a neighborhood interact meeting. We've had a notice out to everybody with the revised legal and revised distances that the pond under the power lines would incorporate. We agree with all 33 of the stipulations, and we were out today in the muck and mess, putting in the first 40 lots. All the sanitary sewers are in. Storm sewers are about 65% complete, and we're hoping it will dry up pretty soon so we can grade. We've had very good market response. We've sold all 22 manor lots. We have non-refundable deposits for all of them. We have nonrefundable deposits for 12 of the 18 estate lots. We have a lot of experiences in Leawood. We've done about 600-700 lots, and we're planning a really grand development here. The entry is going to be very striking. From 151st, no driveways, streets, houses will be visible. The entry is a park-like setting that comes up to a large pond with several waterfalls at the back of it on a 5' tall, 100' wide wall. The planners are smart, and they let us know three are rough and two are smooth. This emphasizes the dramatic look of it. We think this will be a real landmark community. We'll be very proud of it. We are going to connect to the park, and we'll be a great partner for Ironwoods Park. We have agreed with the park to sponsor all their concerts this summer, and we are sponsoring their play this summer. We are the sole sponsor of all those events with them. We plan to do that for the next 4-5 years or however long it takes to work through this. We are going to have wrought iron gates with a wrought iron fence along the tree preservation easement. Those gates will be electronically controlled to the hours that the park is open to keep people from getting into the park when they shouldn't and frankly, to keep people in the park from coming into our neighborhood at 2:00 in the morning. We've had a very good working relationship with the park. We've had our arborists mark every single tree that is dead or diseased in that tree preservation easement. Taking out those trees will make it way better. Our arborist pointed out if we spend \$40,000 fixing that tree line, it would greatly improve the stature and ability of the tree line to be a good barrier between our homes and the park. This will make us a better neighbor. We put in very strong restrictions in our homes association declarations that nobody can infringe on that easement. If anybody does, the homeowner will give the homes association a check for \$1,000 to cover the damage of the trees. We want to be a good neighbor. We are here today to clear up all these things that have come up as we've gotten deeper into the development that was platted in 1973. We're happy to answer any questions you have. Saul is here to talk about any architecture issues you have. Tim Tucker is here to talk about engineering issues.

Chairman Elkins: Questions for Mr. Simpson?

Comm. Stevens: I have a minor clarification or question about the wrought iron fence along the north property line. There is information included in the packet, and the fence diagram shows it along the entire north property line; however, the phasing drawings indicate the fencing in the second phase but not so noted in the first phase. Is that the intent, or would there be a section of the fencing along the first phase?

Mr. Simpson: The first phase has only three sites that back up to the park. There is a brick walkway going to the park and a gated access. We would put in 345 feet of fencing along those three lots and a gate. We will leave the existing hogwire fence on the property line. We would take it out in the second phase and replace it with wrought iron.

Chairman Elkins: Thank you. Other questions for the applicant? Thank you for correcting those errors. It sounds like you're off to a great start. We appreciate the way you and your partners have gotten involved in the community. Because this is a Final Plan and Final Plat, it is appropriate for a Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Coleman; seconded by Stevens. Motion carried with a unanimous vote of 6-0. For: Hunter, Belzer, Pateidl, Coleman, Block, and Stevens.

Chairman Elkins: That takes us to a discussion of the case before us. Are there comments to make?

A motion to recommend approval of CASE 01-19 – HILLS OF LEAWOOD SINGLE FAMILY SUBDIVISION – Request for approval of a Revised Preliminary Plan, Revised Preliminary Plat, Final Plan, and Final Plat, located north of 151st Street and east of Mission Road – with 35 stipulations - was made by Coleman; seconded by Belzer. Motion carried with a unanimous vote of 6-0. For: Hunter, Belzer, Pateidl, Coleman, Block, and Stevens.

CASE 10-19 – HILLS OF LEAWOOD – SALES TRAILER – Request for approval of a Special Use Permit for a Temporary Sales Trailer, located east of Mission Road and north of 151st Street. **PUBLIC HEARING**

Staff Presentation:

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: We have a change in the Staff Report. At the end of Page 3 in Staff Recommendations, it should read, "Case 10-19 – Hills of Leawood - Sales Trailer."

This is Case 10-19 – Hills of Leawood – Sales Trailer – Request for approval of a Special Use Permit for a Temporary Sales Trailer, to be located within Lot 40 of the previously proposed Hills of Leawood residential subdivision. It will be used as a temporary office for the new subdivision until a model home is constructed. The trailer will be approximately 56 feet long and 22 feet wide. It will be located along the northeast corner of the lot, along with a wooden deck on the northern side of the trailer. Three parking spaces are proposed fronting the trailer, one of which will be ADA accessible. The Special Use Permit (SUP) will be limited to a term of one year for the trailer. The SUP meets the regulations of the LDO with the stipulations listed in the Staff Report. Staff recommends approval of Case 10-19 with the stipulations listed.

Chairman Elkins: Questions for staff?

Comm. Coleman: Is there any mechanism to make sure it's removed in a timely manner? It looks like the permit just lasts for a year. What happens after a year? I'm assuming they're going to want to get it out of the way, but what if that didn't happen?

Mr. Klein: It's limited to a year, so they would have to come back before this body and Governing Body for approval to extend that. That is part of the reason we have the limitation of one year. I believe the applicant intends to construct a model house and use it.

Comm. Coleman: If the permit expired and the trailer was still there and they said they would get around to moving it later, is there any mechanism the city has to enforce that?

Mr. Klein: The city has the ability to have codes enforcement have them remove it.

Chairman Elkins: Other questions for staff?

Applicant Presentation:

Mark Simpson, 15145 Windsor Circle, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Simpson: We have a lot of custom buyers right now. We have probably a dozen homes that will be spec homes, and we need a place to represent the builders. My partner went up to three companies that do sales trailers. All of them are way up north. I have no idea why. We found a company that let us customize a new sales trailer with an office, a conference room, and a topographic table. It will have a wooden deck on one side that overlooks the waterfall feature and the lake. When we built Lionsgate 15 years ago, we did an identical-sized trailer where the tennis courts are now. It worked really well. We presold a lot of houses out of it and gave the realtor a place to have a presence and serve the community. We want to landscape it and sod it. We want paved parking with striped parking spaced. We want to operate it noon-6:00 probably six days a week. I would ask for a little longer period of time of 14 months only because we are going to have an artisan charity show home that opens in July 2020 as part of a fundraiser for juvenile diabetes. It will be one of 8.3 million houses that will be on tour. That is the model we'll move to on Lot 25. Then we have another model by Willis on Lot 8 in The Manor. I can't guarantee in 12 months that we'll have the artisan show house done. If we have a dry spring, we'll have it done in May; if we have a wet spring, we'll have it done in late June. I'd like to have 14 months instead of 12 so I don't have to shut it down and have no sales presence for six weeks while we finish up the artisan show home and the model home on Lot 8. We'd like to get it out as soon as possible. The trailer is not very expensive to rent at \$1,200 a month, but to set it up is \$20,000-\$25,000. We'd like to get the maximum use out of that, and we definitely don't want to have to come back through the whole process for six weeks. It might not be done, but there is a very hard, fast date of a large advertising campaign for the artisan tour, which is a bi-annual tour. We had one in the Village of Leawood last year in May. It was very well accepted. That house sold during

the tour for \$1.35 million. Participants pay \$20 to tour, and of that, \$15 goes to charity; \$5 goes to the cost of operating the event. I apologize that I did not get a chance to ask staff if they had a strong feeling about 14 versus 12 months.

Chairman Elkins: Thank you. Questions for Mr. Simpson? Staff, do we have the discretion to amend the stipulation to 14 months?

Mr. Klein: Yes, I believe you can set it for up to 20 years.

Chairman Elkins: Does staff have any opposition to that?

Mr. Klein: No.

Chairman Elkins: Mr. Simpson, are you sure 14 months is enough?

Mr. Simpson: I know because the artisan home tour is a hard date, so the house has to be ready. When we did it at Village of Leawood, we had decorators there 24 hours a day for six days. They finished 15 minutes before it opened. This is one of those things that has to be ready. The manor house is a smaller house. The artisan house is probably 6,500 square feet. It may be done sooner. The trailer is a good stop-gap, but we're not anxious to have it there any longer than necessary. We're anxious not to have a break where agents are sitting in their car.

Chairman Elkins: Thank you. Because this is an application for a Special Use Permit, a Public Hearing is required.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Stevens; seconded by Pateidl. Motion carried with a unanimous vote of 6-0. For: Hunter, Belzer, Pateidl, Coleman, Block, and Stevens.

Chairman Elkins: Is there any discussion with respect to Case 10-19?

Comm. Coleman: When will this show up on the Governing Body agenda?

Mr. Klein: It will be the third Monday in March.

Comm. Coleman: If we set it at 14 months, that would make it May 14th. Is that enough time?

Mr. Simpson: *Inaudible comments*

Mr. Klein: It is upon Governing Body approval.

Comm. Coleman: It states in the stipulations that the Special Use Permit is limited to a term of 14 months from the date of Governing Body approval.

Mr. Simpson: *Inaudible comments*

Comm. Coleman: We could do 16 months.

Chairman Elkins: Do you care to make a motion, then?

A motion to recommend approval of CASE 10-19 – HILLS OF LEAWOOD – SALES TRAILER – Request for approval of a Special Use Permit for a Temporary Sales Trailer, located east of Mission Road and north of 151st Street – including six staff stipulations and including an edit to No. 1 to limit the term of the Special Use Permit to 16 months from the date of Governing Body approval – was made by Coleman; seconded by Pateidl. Motion carried with a unanimous vote of 6-0. For: Hunter, Belzer, Pateidl, Coleman, Block, and Stevens.

CASE 11-19 – TOWN CENTER PLAZA – CHASE BANK – Request for approval of a Revised Final Plan, located north of 119th Street and west of Roe Avenue.

Staff Presentation:

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 11-19 – Town Center Plaza – Chase Bank – request for approval of a Revised Final Plan, located north of 119th Street and west of Roe Avenue. The site for this project is located at a former Dean & DeLuca restaurant north of 119th Street and west of Roe Avenue. The applicant is proposing to convert the existing building into a multi-tenant space containing two tenants: Chase Bank and a future tenant, along with a drive-through ATM. The applicant is proposing modifications to the parking lot, façade updates to the east and south sides of the building, and pedestrian connections into the site long the north property line and in from Roe. The ATM drive-through is proposed on the southeast corner of the site and will require a removal of 12 existing parking spaces on the site. A median and canopy are proposed to be constructed for the ATM drive-through. The canopy will be 15’4” tall and will be constructed of materials that match the existing façade of the building. With the removal of the 12 existing parking spaces due to the ATM drive-through, the applicant has proposed a land bank with 11 parking spaced, six to be located at the northern entrance of the site and five to be located at the western side of the building. If it is determined by the applicant that the spaces are needed at a later date, the spaces may be installed with city approval through a Revised Final Plan. The eastern entrance into the building has moved from the southeast corner of the building to be centered along the façade. A new entry is proposed along the south side of the building for a main entrance for the secondary tenant space. The Revised Final Plan meets the regulations for the LDO with the stipulations listed in the Staff Report. Staff recommends approval of Case 11-19 with the stipulations listed, and I would be happy to answer any questions.

Chairman Elkins: Questions for staff? The drive-through does not require a Special Use Permit?

Mr. Klein: That is correct. This is more or less an ATM and not considered a drive-through, but even if it was a bank with a drive-through, within the SD-CR district, an SUP is not required.

Chairman Elkins: Seeing no further questions for staff, I would invite the applicant to step forward.

Applicant Presentation:

Patrick Bennett, Core States Group, 6500 Chippewa Street, St. Louis, MO, appeared before the Planning Commission and made the following comments:

Mr. Bennett: I'm also the professional engineer of record for the civil engineering portion of the project. It's a pretty straightforward project. I think it speaks for itself. I'm happy to answer any questions.

Chairman Elkins: Are you and your client in agreement with the staff stipulations?

Mr. Bennett: Yes, sir.

Chairman Elkins: Are there questions for Mr. Bennett? Seeing none, you can step down. Discussion concerning Case 11-19?

Comm. Coleman: I'm sorry, but I was hoping for something a little nicer than a bank with the drive-through pointed out toward the intersection. It's just personal preference. It's prime real estate and is within their purview to put it in; I was just hoping for something a little different.

Chairman Elkins: Other comments or questions?

A motion to recommend approval of CASE 11-19 – TOWN CENTER PLAZA – CHASE BANK – Request for approval of a Revised Final Plan, located north of 119th Street and west of Roe Avenue – with 28 stipulations – was made by Pateidl; seconded by Stevens. Motion carried with a unanimous vote of 6-0. For: Hunter, Belzer, Pateidl, Coleman, Block, and Stevens.

CASE 12-19 – VILLAGE OF SEVILLE – THE NEW APOSTOLIC CHURCH USA – Request for approval of a Special Use Permit for a place of worship, located north of 133rd Street and west of State Line Road. **PUBLIC HEARING**

Staff Presentation:

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 12-19 – Village of Seville – The New Apostolic Church USA. It is a request for approval for a Special Use Permit for a place of worship. The applicant is requesting to utilize two adjoined tenant spaces located in the southernmost building within the Village of Seville as a worship and meeting space for The New Apostolic Church USA. This space consists of 5,041 square feet and will contain 120 seats for members. The church will be utilized in off-peak hours, including Sunday mornings, Wednesday evenings, and on holy days. There are no exterior changes proposed to the building. A Special Use Permit for the church will be limited to a term of 20 years. Staff does recommend approval of Case 12-19 with the stipulations in the Staff Report. I'd be happy to answer any questions.

Chairman Elkins: Thank you. Are there questions for staff?

Comm. Block: Usually with the interact meetings, there are answers to the questions. I don't know exactly what we're looking at. I just got a list of handwritten questions. I don't know if those were from the participant or the moderator.

Ms. Schuller: It is my understanding that those that came were members of the church who were curious about the space itself. I think that he jotted down questions that were more particular to their church space on the interior. He noted there were no concerns on the last comment.

Comm. Coleman: I'm looking at the hours stipulated in the report that the space will generally utilize. It is on Sunday from 9:00-1:00 and also Wednesday evening. My concern is with the other tenants in that parking situation. If I recall, there is at least one restaurant.

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Ms. Schuller: There are two restaurants.

Comm. Coleman: The Breakfast Spot will probably be very welcome to the church coming there to have some additional patrons. I'm additionally concerned with that lot, especially the way it is designed, that the parking will go from south to north and potentially crowd out potential customers going into those restaurants and other buildings. I assume we didn't need a parking study.

Ms. Schuller: We did not require a parking study. Staff considered the parking concerns as well with the thought that the retail spaces are probably not going to be open Sunday mornings.

Comm. Coleman: It is just the crossover from Sunday 9:00-1:00. There will be a lunch crowd coming in there.

Ms. Schuller: There will be a little bit of crossover.

Comm. Coleman: I didn't see in the interact meeting if it included homeowners' associations. Do those notices go out to existing tenants as well or just to the ownership?

Ms. Schuller: It just goes to property owners, so not necessarily the tenants.

Comm. Coleman: So, we don't have feedback from the operators of the restaurants or other businesses.

Ms. Schuller: No.

Chairman Elkins: Thank you. Other questions? If not, 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 here representing the SUP for The New Apostolic Church. With me tonight is Dave Wilson. I was also at the interact meeting. It was all church members with the exception of Clinton, who was part of the homeowners' association for one of the residential elements to the west. He was actually very positive. He was more interested in what would happen, who would be there. The time frame listed is 9:00-1:00, but that's generous because it's people milling around. The services end at 11:30. We thought it was a perfect use because people would be leaving. We've also given a heads up about the secret ninja parking behind it that never tends to get used and is easy to get to. There is a whole row of parking behind the building, which would be very useful as well. Everybody was very favorable and positive. We're excited to move forward. I'm here to answer any questions you may have.

Chairman Elkins: Questions for Mr. Klover? What are the hours of usage again?

Mr. Klover: It is listed as 9:00-1:00, but the service is over at 11:30. That allows for people to mill around before and after. The hope is that they will go over to the restaurant and give them business either before or after. The timing should be perfect.

Chairman Elkins: There is provision made for holy days and Wednesday as well?

Mr. Klover: Wednesday evening once a month.

Chairman Elkins: That is really my question. It struck me that sometimes, during various holiday seasons, churches have activities other than on Sunday morning. Apparently, that has been addressed to the church's satisfaction.

Mr. Klover: The stipulations were read by the church, and they were in complete agreement with them.

Chairman Elkins: Thank you. Any other questions for Mr. Klover? If not, you may step down. Because this is a Special Use Permit, a Public Hearing is required.

Public Hearing

Deborah Hellinger, 13213 Overbrook, Leawood, appeared before the Planning Commission and made the following comments:

Ms. Hellinger: I live directly behind the building they're talking about. I have a few concerns that are threefold, but then with respect to what the gentleman just said, I have to add another concern. First would be traffic on 133rd Street. It's getting busier and busier, and with the church population, I have no idea what it's going to do to the traffic. There are bike lanes on that street. People speed on that street all the time. That is an issue. Secondly, regarding parking, I respectfully disagree. I live right behind there, and I see what happens all the time. The parking spaces behind are used all the time. They're used by the Windy City Brewery. They're there until midnight. Cars are always there. I have a feeling parking might be a problem. I am also worried about the makeup of the congregation and if the congregation caters to homeless people. We've had an increasing problem with the homeless population. You probably remember the dead body found across the street from my house in September. On December 29th, a policeman came to my house in the morning because a gun had been fired right into my intersection. They found the casings right there. Two months before that, the police were called by a neighbor of mine because he looked out his window at midnight, and he saw a man crawling on his hands and knees in front of my house on the sidewalk and then crossed over to the little pond behind us. The police came and talked to him. They couldn't do anything because he wasn't doing anything except for crawling on his hands and knees. Just last week, the police were sitting in front of my house for at least half an hour because they had a trespassing call. From what I understand, someone had put ropes up in a tree for a hammock right next to my house. There is no barrier between that shopping center and the houses in my neighborhood. There are some trees, but they don't cover the entire thing. Behind the building that they are going to occupy, there is a bunch of weeds and two trees. If they decide to put parking right there, there is no barrier. My concern is one of safety more than anything. That is my opinion. I appreciate you listening to me.

Chairman Elkins: Thank you. Are there any other comments?

As no one else was present to speak, a motion to close the Public Hearing was made by Coleman; seconded by Belzer. Motion carried with a unanimous vote of 6-0. For: Hunter, Belzer, Pateidl, Coleman, Block, and Stevens.

Chairman Elkins: Mr. Klover, do you wish to respond to Ms. Hellinger's concerns?

Mr. Klover: From all my years in Leawood, this is actually pretty shocking. No homeless people. This is actually combining two existing churches that are on either side. This is a national organization. My statement would be that we don't consider the parking to be a problem. In all my experience with shopping centers, having something in there before the restaurant really starts to get active is a good use. Also, we'll bring more people to the center. It's a symbiotic use. We don't typically consider that to be an increase in parking

or an increase in traffic requirements. I hope I've answered your questions, but definitely no homeless people.

Chairman Elkins: Thank you. That brings us to a discussion about the application.

Comm. Belzer: I'm curious as to how many members are in the two churches that are combining into one.

David Wilson, 11905 East 76th Terrace, Raytown, MO, appeared before the Planning Commission and made the following comments:

Mr. Wilson: I'm the local pastor of The New Apostolic Church. The average Sunday attendance in 2018 was approximately 100 people with approximately 40 cars. That is the increase in traffic we will have.

Chairman Elkins: Thank you. Other questions? Perhaps after this meeting, you could meet with Ms. Hellinger and address some of her concerns.

Mr. Wilson: I would love to.

Chairman Elkins: Any questions or discussion about Case 12-19?

A motion to recommend approval of CASE 12-19 – VILLAGE OF SEVILLE – THE NEW APOSTOLIC CHURCH USA – Request for approval of a Special Use Permit for a place of worship, located north of 133rd Street and west of State Line Road – with 8 stipulations – was made by Block; seconded by Pateidl. Motion carried with a unanimous vote of 6-0. For: Hunter, Belzer, Pateidl, Coleman, Block, and Stevens.

CASE 13-19 – BROOKWOOD ELEMENTARY SCHOOL – Request for approval of a Special Use Permit for a before-and-after-school program, located south of 103rd Street and east of Mohawk Road. **PUBLIC HEARING**

Staff Presentation:

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 13-19 – Brookwood Elementary School – Request for approval of a Special Use Permit for a before- and-after-school-program. The applicant is requesting to operate the program for Brookwood students beginning at 7:00 a.m. and running until 6:00 p.m. The program is run by Johnson County Parks & Recreation. There will be a total of 60 elementary-grade students and 24 pre-kindergarten students. The program will be facilitated by six staff members. The SUP for the program is limited to a term of 20 years. Staff recommends approval of Case 13-19 with the stipulations in the Staff Report. I'm happy to answer any questions.

Comm. Block: Is this school already open?

Ms. Schuller: My understanding is they're planning on moving in over Spring Break. They will be open after that.

Mr. Coleman: They'll open March 15th.

Comm. Block: So, it's not finished?

Mr. Coleman: No, it is, but they're opening mid-semester.

Comm. Block: I ask because it leads me to my question. There were a lot of concerns at the interact meeting by neighbors. Is the landscaping not in yet? Will some of this be addressed?

Mr. Coleman: It's done. The lighting issues have been addressed as well as the landscaping.

Comm. Block: Was there a drainage issue?

Mr. Coleman: I'm unaware of any drainage issues. They have a detention facility in the back by the playground.

Chairman Elkins: Thank you. Any other questions for staff?

Comm. Coleman: I know it has nothing to do with the permit, but I assume we do go out and double check to make sure all the landscaping is put in and the drainage is adequate. The concerns raised by the residents were very valid concerns. They had nothing to do with the SUP, but I just hope that the developer will address them.

Mr. Coleman: Those issues would be addressed separately within my office.

Chairman Elkins: Thank you. If there are no further questions, I would invite the applicant to step forward.

Applicant Presentation:

Kim Chappelow-Lee, 6501 Antioch, Merriam, appeared before the Planning Commission and made the following comments:

Ms. Chappelow-Lee: I'm the Children's Services Manager for Johnson County Parks and Recreation District.

Chairman Elkins: Do you have any further information you'd like to present to the commission?

Ms. Chappelow-Lee: To your question about when the program is opening, we have been operating this program at Brookwood Elementary since 1980, and we are currently operating the program at Indian Creek Technology Center, where the school is

temporarily located. It's not a new business operation for us; it's one that has been in operation for quite some time.

Chairman Elkins: Do you have any objections to the six stipulations?

Ms. Chappelow-Lee: They're fine. We are in agreement.

Chairman Elkins: Do any commissioners have any questions? Because this is a request for an SUP, a Public Hearing is required.

Public Hearing

As there was on one to speak, a motion to close the Public Hearing was made by Pateidl; seconded by Coleman. Motion carried with a unanimous vote of 6-0. For: Hunter, Belzer, Pateidl, Coleman, Block, and Stevens.

Chairman Elkins: Thank you.

A motion to recommend approval of CASE 13-19 – BROOKWOOD ELEMENTARY SCHOOL – Request for approval of a Special Use Permit for a before-and-after-school program, located south of 103rd Street and east of Mohawk Road – with six stipulations – was made by Pateidl; seconded by Stevens. Motion carried with a unanimous vote of 6-0. For: Hunter, Belzer, Pateidl, Coleman, Block, and Stevens.

CASE 17-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-7, TABLE OF USES – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to Recreation and Entertainment – Indoor.
PUBLIC HEARING

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 17-19 – Leawood Development Ordinance Amendment to Section 16-2-7 – Table of Uses, pertaining to Recreation and Entertainment – Indoor. This amendment is to add the use of Recreation and Entertainment – Indoor to the Table of Uses as an allowed use in the Business Park (BP) zoning district with a Special Use Permit. We discussed this change at our February 14th work session. Staff wanted to make the LDO consistent. Currently, Recreation and Entertainment – Outdoor is allowed within that district with an SUP. This would make Indoor consistent with that. The definition for Recreation and Entertainment – Indoor is, “an establishment offering recreation, entertainment, or games of skill to the public for a fee or charge that is wholly enclosed in the building. Typical uses include bowling alleys, indoor theaters, bingo parlors, pool halls, billiard parlors, and video game arcades.” Staff is recommending approval of this change to the LDO, and I'd be happy to answer any questions.

Chairman Elkins: Thank you. Are there questions for Mr. Klein? If not, I note that 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 Coleman; seconded by Pateidl. Motion carried with a unanimous vote of 6-0. For: Hunter, Belzer, Pateidl, Coleman, Block, and Stevens.

Chairman Elkins: That brings us to a discussion. If not, is there a motion?

A motion to recommend approval of CASE 17-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-7, TABLE OF USES – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to Recreation and Entertainment – Indoor – was made by Belzer; seconded by Stevens. Motion carried with a unanimous vote of 6-0. For: Hunter, Belzer, Pateidl, Coleman, Block, and Stevens.

CASE 144-18 – 2018 ANNUAL UPDATE TO THE CITY OF LEAWOOD COMPREHENSIVE PLAN – Request for approval of the 2018 Comprehensive Plan. PUBLIC HEARING

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 144-18 – Annual Update to the City of Leawood Comprehensive Plan for 2018. Within this change of the LDO amendment, we have done a lot of formatting, as discussed in previous work sessions. We have changed the look of the document, trying to add more graphics and make it a little easier to read. In addition to that, we added changes to the Points of Interest to make the symbols a little clearer. We also included the historic trails (Oregon, Santa Fe, and California) reflected in the Comprehensive Plan. We have also included a map that shows Self-Propelled Leawood. It is carried out in more detail in the document itself. Additionally, we have updated a number of uses in the Comprehensive Plan (*shows them on the monitor*). There are seven changes made to the Comprehensive Plan map:

1. The first had to do with 9617 Lee Boulevard, which is the proposed site of the new Fire Station. The Police Station will be removed, and the city would like to turn the northern portion into a public park. Currently, this is shown as all Public. The revision has the northern park as Public Open Space.
2. The second change has to do with boundaries of Johnson County Wastewater. This amendment outlines the new boundaries to reflect it more accurately.
3. The third change has to do with property that is currently shown as Mixed-Use Development south of College Boulevard along State Line Road. There is actually an existing office building, and it seemed more appropriate to designate the area as Office.

4. The fourth change has to do with a micro-hospital that was approved for Village of Seville. It's located at the northwest corner of the intersection of 133rd Street and State Line Road. It has been constructed and exists there currently. Staff is proposing to add a hospital symbol to designate it as a hospital.
5. The fifth change was to add a graphical representation for the alignment of 137th Street, particularly as it extends from Kenneth Road to the west. Currently, the graphics show it more jagged.
6. The sixth change deals with property at the southeast corner of 143rd Street and Kenneth Road. This is the location of the Public Works facility. The city is interested in these properties to the north that would actually be utilized for future Parks Department facilities. It has been changed from Planned Business District to Public.
7. The last change has to do with the platting that was done in the '60s to what has recently been proposed with Hills of Leawood, which you saw tonight. Currently, on the plan, they show the street extending from Mission Road and a northwest street going down to 151st Street. The change reflects the alignment that Hills of Leawood is proposing, and it also reflects the city's expectation that there will be a connection over to Mission Road.

Staff is recommending approval of the changes to the LDO, and I would be happy to answer any questions.

Chairman Elkins: Thank you. Are there questions for Mr. Klein?

Comm. Pateidl: On the piece of property located at 143rd and Kenneth Road next to the existing Public Works maintenance facility, you've indicated that the city has put an interest in doing something with that piece of property to the south and west. Does the city own that property?

Mr. Klein: I believe that it has been purchased.

Comm. Block: I think these are nice improvements. It does look much nicer. Thanks to staff for doing that and for adding the 135th Street Community Plan.

Chairman Elkins: If there are no other questions, this case requires a Public Hearing.

Comm. Pateidl: If we're looking at Case 17-19, it is related to some changes to the Table of Uses. Case 144-18 is the update. Are we taking both at the same time?

Chairman Elkins: We're already done with Case 17-19.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Pateidl; seconded by Belzer. Motion carried with a unanimous vote of 6-0. For: Hunter, Belzer, Pateidl, Coleman, Block, and Stevens.

Chairman Elkins: That brings us to discussion of the Comprehensive Plan. Are there any other comments?

Comm. Coleman: Because this is Commissioner Pateidl's last meeting, I would like nothing better than for him to close out his ten years of service by making one additional motion.

A motion to recommend approval of CASE 144-18 – 2018 ANNUAL UPDATE TO THE CITY OF LEAWOOD COMPREHENSIVE PLAN – Request for approval of the 2018 Comprehensive Plan – was made by Pateidl; seconded by Stevens. Motion carried with a unanimous vote of 6-0. For: Hunter, Belzer, Pateidl, Coleman, Block, and Stevens.

Chairman Elkins: The chair notes that, on the dais with the plan, there are two memoranda that are part of the original. They constitute the required annual reports for two of our impact fees. Chair would note that the first memorandum is dated February 21, 2019, the subject of which is 2018 135th Street Corridor Impact Fee Report. I would note for the record that the balance in that fund as of December 31, 2018 was \$143,363.10. Does anyone on the commission have questions or concerns about this memorandum?

Mr. Klein: Those were pulled from the agenda.

Chairman Elkins: Very good. Since it has been quite a night, I will rise to a point of personal privilege with mixed feelings. As Commissioner Coleman has already noted, tonight marks the end of ten years of service by Commissioner Pateidl, a number of which, he has served as Vice-Chairman of the Planning Commission in a very able way. I just want to express my appreciation at a personal level as well as a representative of the city for all the great work that Jim has done over the last ten years. He has always been willing to express his concerns about the best interests of the citizens of the City of Leawood. For that, the commission, the staff, and the City of Leawood are very grateful. I would also note that we have a small token of both the commission and the city's appreciation for the good, hard work that Commissioner Pateidl has done over the last ten years. In addition, this is a bit of an unusual night, and unfortunately, he was not able to join us tonight, but this also marks the end of Kip Strauss's service on the Leawood Planning Commission. He, too, has provided great value as a design professional, particularly in the space of transportation, which is his area of expertise. He has always been very generous in lending his expertise to the commission, to the staff, and to the City of Leawood. I would be remiss if I didn't note the work that he did over the years of study for the 135th Street Corridor Plan that we currently operate under. Again, he brought all of his expertise and enthusiasm for the City of Leawood to that project. For that, both the city and the staff are extremely grateful. I would open the floor to any other commissioners who wish to comment on the departure of our two colleagues.

Comm. Coleman: I did a little homework today in familiarizing myself on how long both Kip and Jim have been on the commission. I'll take Kip first. He has been on for eight

years. He first started in June, 2011. He replaced Dan Heiman. He had a work session on recycling bins. That was his first entry into the Planning Commission. For Jim, I did do more homework. You've been here ten years. Your first meeting was January 13, 2009. You replaced Dick Shaw. Lisa Rohlf was the chairperson at the time. I thought it was very interesting that there were two pieces of new business at that meeting. One was the approval of Market Square Center. The second, which I thought was very appropriate, was the approval of the Dean & DeLuca building, which came up today under Chase Bank. You have truly come full circle with new buildings and refitting old buildings. I want to thank you for your service as well as your wisdom and your passion. You are very passionate about certain issues, and I truly appreciate that. I learned a lot from you and from Kip. I will personally miss you as a member, and I know the city will miss you as well.

Comm. Pateidl: Thank you.

Chairman Elkins: Thank you. Other comments?

Comm. Block: I agree. Thank you very much for your service.

Chairman Elkins: Mr. Pateidl, do you want to have the last word?

Comm. Pateidl: I'll have the last word. Actually, the time spent on the Planning Commission has been an extreme privilege. I've had the joy of working with some terrific commissioners currently and in the past, and hats off to the members of the Planning Department. When I started this, I had no idea what you guys do or did. I'm not sure I have a real good idea now, but you do it well. I encourage you to maintain that. I thank the city. I thank you all for your patience and for your indulgence. I'll miss Tuesday nights, but I'll find a place to put them.

Chairman Elkins: Thank you again, Mr. Pateidl. I will note for the record that, with Commissioner Pateidl's departure, the office of Vice-Chairman of the Planning Commission stands open, and we will be conducting an election at the next regular meeting, which will be toward the end of March. If there is nothing more to add, we stand in adjournment.

Comm. Coleman: Before everyone goes, we have a work session with City Council on April 9th at 6:00.

MEETING ADJOURNED