

**City of Leawood  
Planning Commission Meeting  
May 28, 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**

Mr. Klein: Since we don't have a chair or vice-chair this evening, the first order of business would be to elect a chair pro-tem.

**ELECTION OF CHAIR PRO TEM:**

**A motion to nominate Liz Hoyt to serve as Chair Pro-Tem for the May 28, 2019 Planning Commission meeting was made by Belzer; seconded by Peterson. Motion carried with a unanimous vote of 4-0. For: Hunter, Belzer, Stevens, and Peterson.**

**CALL TO ORDER/ROLL CALL:** Hunter, Belzer, Hoyt, Stevens, and Peterson.  
Absent: McGurren, Elkins, Coleman, and Block

Chair Hoyt: The first order of business is the approval of the agenda.

Mr. Klein: I wanted to make everyone aware of the revised agenda. It includes the election of the chair pro-tem and continuance of Kiddi Kollege to the meeting on June 25<sup>th</sup>.

**APPROVAL OF THE AGENDA**

**A motion to approve the revised agenda was made by Peterson; seconded by Belzer. Motion carried with a unanimous vote of 5-0. For: Hunter, Belzer, Hoyt, Stevens, and Peterson.**

**APPROVAL OF MINUTES:** Approval of the minutes from the May 14, 2019 work session.

**A motion to approve the minutes from the May 14, 2019 Planning Commission work session was made by Stevens; seconded by Peterson. Motion carried with a unanimous vote of 5-0. For: Hunter, Belzer, Hoyt, Stevens, and Peterson.**

**CONTINUED TO THE JUNE 25, 2019 PLANNING COMMISSION MEETING:**  
CASE 41-19 – PARKWAY PLAZA – KIDDIE KOLLEGE EXPANSION – Request for approval of a Special Use Permit for a Commercial Daycare and Revised Preliminary Plan, located south of 134th Street and east of Briar Street. PUBLIC HEARING

**A motion to continue Case 41-19 – Parkway Plaza – Kiddie Kollege Expansion – Request for approval of a Special Use Permit for a Commercial Daycare and Revised Preliminary Plan, located south of 134<sup>th</sup> Street and east of Briar Street – was made by Belzer; seconded by Hunter. Motion carried with a unanimous vote of 5-0. For: Hunter, Belzer, Hoyt, Stevens, and Peterson.**

**CONSENT AGENDA:**

CASE 42-19 – LEAWOOD SQUARE – REVISED SIGN CRITERIA – Request for approval of a Revised Final Sign Plan, located north of Blue Ridge Boulevard and west of State Line Road.

CASE 44-19 – MANFIELD MULTI-TENANT BUILDING – LIGHTING AND SIGN CRITERIA – Request for approval of a Final Plan, located south of 103rd Street and west of State Line Road.

CASE 46-19 – PLAZA POINTE, 6TH PLAT – Request for approval of a Revised Final Plat, located south of 135th Street and east of Briar Street.

Chair Hoyt: Would any of the commissioners like to pull any of these cases?

**A motion to approve the Consent Agenda was made by Stevens; seconded by Belzer. Motion carried with a unanimous vote of 5-0. For: Hunter, Belzer, Hoyt, Stevens, and Peterson.**

**NEW BUSINESS:**

CASE 63-19 – CITY OF LEAWOOD 2020-2024 CAPITAL IMPROVEMENT PROGRAM – Request for approval of the 2020-2024 Capital Improvement Program. PUBLIC HEARING

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 63-19 – City of Leawood 2020-2024 Capital Improvement Program (CIP). We do have David Ley, Public Works Director, here to answer any questions. The CIP is what we discussed at the May 14<sup>th</sup> Planning Commission work session. Mr. Ley is here to answer any questions.

Mr. Ley: We had that work session a couple weeks ago to discuss the CIP. We answered questions there. I don't have a formal presentation tonight. The CIP hasn't changed since our meeting. I am available for any questions.

Chair Hoyt: I'll open it up for questions or comments. I was not at that work session, but there were a number of comments in the minutes where commissioners expressed concerns about typos or numbers not lining up with years. Have those items been looked at?

Mr. Ley: They have. They were on a memo sheet from Finance, so they will update that letter as needed.

Chair Hoyt: For those of you who were at that meeting who had questions or concerns, do you have anything else you'd like to say? Very good. We need a Public Hearing.

### **Public Hearing**

**As no one was present to speak, a motion to close the Public Hearing was made by Belzer; seconded by Peterson. Motion carried with a unanimous vote of 5-0. For: Hunter, Belzer, Hoyt, Stevens, and Peterson.**

Chair Hoyt: That takes us to discussion or a motion.

Ms. Knight: Could the motion also include a finding that the CIP is in conformity with the Comprehensive Plan?

Chair Hoyt: Basically, we are endorsing that this is in conformity with the Comprehensive Plan.

**A motion to recommend approval of CASE 63-19 – CITY OF LEAWOOD 2020-2024 CAPITAL IMPROVEMENT PROGRAM – Request for approval of the 2020-2024 Capital Improvement Program, including a finding that it is in conformity with the Comprehensive Plan – was made by Hunter; seconded by Belzer. Motion carried with a unanimous vote of 5-0. For: Hunter, Belzer, Hoyt, Stevens, and Peterson.**

CASE 45-19 – HOMESTEAD OF LEAWOOD ASSISTED LIVING FACILITY – ADDITION – Request for approval of a Rezoning from AG (Agricultural District) to RP-3 (Planned Cluster Attached Residential District), Special Use Permit for an Assisted Living Facility, Preliminary Plan, and Final Plan, located south of 127th Street and west of State Line Road. **PUBLIC HEARING**

### **Staff Presentation:**

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 45-19 – Homestead of Leawood – Assisted Living Facility – Request for approval of a Preliminary Plan, Final Plan, Rezoning from AG (Agricultural District) to RP-3 (Planned Cluster Attached Residential District), Special Use Permit. The Homestead of Leawood is an existing facility that has 37 beds and is located on State Line Road. The applicant is just proposing to expand the facility to the north and to the

south, which would provide 17 additional beds. They also proposed to expand the kitchen facility on the north side and the dining room on the east side. The additions will all be single story and will not exceed the height of the existing structure. The façade of the entire facility will be redone in grey and khaki-colored siding with natural stone accents and a grey slate roof. The parking configuration onsite is largely remaining the same. The overall parking spaces will increase in number by six spaces to accommodate the additional units and to meet the requirements of the LDO. The existing site is landscaped; however, the applicant will be adding additional evergreen trees on the north and west property lines to meet the requirements of screening adjacent to residential neighborhoods. The applicant is also adding additional shrubs and ornamental trees along State Line Road. A 3' stone screening wall be added in front of the parking spaces that face State Line Road as well as those that face the north property line in order to screen the parking from adjacent properties. The application is in conformance with the LDO, and staff recommends approval of Case 45-19 with the stipulations in the Staff Report. I'd be happy to answer any questions.

Chair Hoyt: Does anybody have questions for staff?

Comm. Stevens: It looked like one of staff's comments was a recommendation for FEMA emergency shelter in the project. Is that correct?

Mr. Klein: The applicant might be able to answer this. They have a space that will serve as a space area. I don't know if it meets FEMA requirements, but the applicant could answer that.

Chair Hoyt: I noticed you didn't put it in your stipulations.

Mr. Klein: That is correct. It is a comment that we had a concern about.

Mr. Coleman: It is currently not required in the code, but the new code that is coming up has something additional for FEMA requirements that we'll be adopting later at the end of the year. We're just recommending it but not stipulating it.

Chair Hoyt: Any other questions for staff? I'd like to invite the applicant to come forward.

**Applicant Presentation:**

Lauren Fitzpatrick, Schwerdt Design Group, 2231 SW Wanamaker Road, Topeka, KS, appeared before the Planning Commission and made the following comments:

Ms. Fitzpatrick: I don't have a formal presentation, but you have the information in the packet, and I can answer any questions.

Chair Hoyt: If there is no formal presentation, could you address the question that was raised about the emergency shelter room?

Ms. Fitzpatrick: There is no plan for a FEMA-rated shelter for this facility. They do not have a storm shelter currently; there is just a designated emergency area safe zone where they all just go in the case of emergency. There is no technical shelter.

Chair Hoyt: Out of curiosity, what kind of emergencies is that supposed to help with?

Joe Perkin, Vice President of Operations, Midwest Health, appeared before the Planning Commission and made the following comments:

Mr. Perkin: I represent the ownership of the community. We have several buildings that have this arrangement. We have a number of communities that are constructed exactly the same way. We have interior hallways where we take the residents and staff members in the case of an emergency. With a tornado warning specifically, we evacuate. We have evacuation procedures in the case of fire. There are rated smoke barriers and fire barriers in the facility that we can evacuate residents to that don't require us to evacuate them outside. We have very specific criteria for making sure the residents are safe, especially in the case of a tornado.

Chair Hoyt: When these new regulations come down, and there will be a requirement for FEMA-related shelters, what would be the procedure for construction that was in progress at the time?

Mr. Coleman: At the time of application for the building permit, if it is not in the code, they would not be required to provide it.

Chair Hoyt: If it is in the code, they would be.

Mr. Coleman: Correct; if it is in the code that's adopted.

Chair Hoyt: Does that raise any issues from your standpoint with proceeding with the project this close to when these codes are likely to be changed.

Mr. Perkin: What's the time frame on the code adoption?

Mr. Coleman: It will be sometime this year, but I don't know the exact date.

Mr. Perkin: I think at this point, we would want to proceed. We've been in the process of this for quite a while now. I feel like there's a need for it.

Ms. Knight: Was Mr. Coleman's answer clear?

Chair Hoyt: The answer was that they want to proceed and not include that in the plan at this point.

Mr. Perkin: Correct.

Ms. Knight: And if it's not in the code, it's not required.

Chair Hoyt: Any other questions or comments? If not, thank you very much. We'll open the Public Hearing.

### **Public Hearing**

**As no one was present to speak, a motion to close the Public Hearing was made by Belzer; seconded by Stevens. Motion carried with a unanimous vote of 5-0. For: Hunter, Belzer, Hoyt, Stevens, and Peterson.**

Chair Hoyt: Now, are there any points of discussion from the commission?

Comm. Belzer: Not if they don't have issues with the 28 stipulations.

Chair Hoyt: Is the applicant in agreement with the stipulations presented by staff?

Ms. Schwerdt: We have read them, and we agree to the stipulations.

Chair Hoyt: Any other comments from the commission? Would anybody like to make a motion?

**A motion to recommend approval of CASE 45-19 – HOMESTEAD OF LEAWOOD ASSISTED LIVING FACILITY – ADDITION – Request for approval of a Rezoning from AG (Agricultural District) to RP-3 (Planned Cluster Attached Residential District), Special Use Permit for an Assisted Living Facility, Preliminary Plan, and Final Plan, located south of 127th Street and west of State Line Road – with 28 stipulations – was made by Belzer; seconded by Stevens. Motion carried with a unanimous vote of 5-0. For: Hunter, Belzer, Hoyt, Stevens, and Peterson.**

CASE 39-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-10.3, MATERIALS AND COLORS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to artificial stone.  
**PUBLIC HEARING**

### **Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 39-19 – Leawood Development Ordinance Amendment to Section 16-2-10.3, Materials and Colors. Staff would like to recommend that this be continued to the June 25, 2019 meeting.

Chair Hoyt: Are there any questions about that? This would be continuing it to the regularly scheduled June meeting.

Mr. Klein: Correct; it would be June 25<sup>th</sup>.

**A motion to continue CASE 39-19 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-10.3, MATERIALS AND COLORS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to artificial stone to the June 25, 2019 Planning Commission meeting was made by Stevens; seconded by Belzer. Motion carried with a unanimous vote of 5-0. For: Hunter, Belzer, Hoyt, Stevens, and Peterson.**

Chair Hoyt: Are there any other matters we need to consider at this point? Then we stand in adjournment.

*MEETING ADJOURNED*