

**City of Leawood  
Planning Commission Meeting  
February 25, 2020  
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:** McGurren, Hunter, Belzer, Hoyt, Elkins, Coleman, Block, and Peterson. Absent: Stevens

**APPROVAL OF THE AGENDA**

**A motion to approve the agenda was made by Coleman; seconded by Hoyt. Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Peterson.**

**APPROVAL OF MINUTES:** Approval of the minutes from the January 28, 2020 Planning Commission meeting.

Comm. Coleman: On Page 19, under my comments, the sixth line down should read “grave” rather than “brave.”

Comm. McGurren: On Page 19, under my comments, it should read “short-term.”

Comm. Peterson: On Page 2, it should be “Peterson.”

**A motion to approve the corrected minutes from the January 28, 2020 Planning Commission meeting was made by Belzer; seconded by McGurren. Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Peterson.**

**CONTINUED TO THE MARCH 25, 2020 PLANNING COMMISSION MEETING: CASE 01-20 – CORNERSTONE OF LEAWOOD – ONSPRING HEADQUARTERS – Request for approval of a Preliminary Plan, located south of 135th Street and east of Nall Avenue. PUBLIC HEARING**

**CONSENT AGENDA:**

None

**NEW BUSINESS:**

CASE 11-20 – CAMELOT COURT – WATERWAY GAS AND WASH COMPANY - Request for approval of a Revised Final Plan, located north of 119th Street and west of Tomahawk Creek Parkway.

**Staff Presentation:**

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 11-20 – Camelot Court – Waterway Gas and Wash Company – Request for approval of a Revised Final Plan. The applicant would like to expand the washing and drying stations to add an additional bay for washing and drying vehicles. There are two existing light fixtures within the station. The applicant is proposing to expand this car washing and drying area, removing the two existing light fixtures and adding four more. New vacuums will also be installed, two of which will replace existing vacuums. A new vacuum will be installed for the new bay. One additional light pole will be placed at the most southern point of the new parking lot island. The applicant has provided staff with a photometric study that does not comply with the Leawood Development Ordinance (LDO). Per the ordinance, the parking lot shall have an average uniformity ratio of 4:1. The photometric study provided a uniformity ratio of 10.6:1. Staff has stipulated that, prior to Governing Body review, the applicant shall provide staff with an updated photometric study that meets the requirements of the LDO. This can be met by providing information showing they will be less nonconforming than the existing site, or by meeting the ratio. Staff will work with the applicant to ensure they meet the LDO in some way. The applicant meets the requirements per the LDO with the stipulations listed in the Staff Report. Staff recommends approval of Case 11-20 with the stipulations.

Comm. Coleman: There is a lot of traffic between the gas station and the parking lot. Is there any concern on narrowing the driveway area?

Mr. Sanchez: We had the applicant submit a vehicle circulation study showing that a large vehicle could make the turns, and it showed that it could.

Comm. Coleman: Is the car wash facility going to remain open during construction?

Mr. Sanchez: That would be a better question for the applicant.

Comm. Coleman: I also noticed that they will do additional drainage/runoff work at the same time.

Mr. Sanchez: I believe it already exists, so this may be a better question for the applicant as well; however, they may have to do construction around it or to it while moving the parking lot island over.

Chairman Elkins: Thank you. Other questions for Mr. Sanchez? If not, I would invite the applicant to step forward.

**Applicant Presentation:**

Mike Goldman, Vice President and General Counsel, Gas and Waterway Gas and Wash, 727 Goddard Avenue, Chesterfield, MO, 63005, appeared before the Planning Commission and made the following comments:

Mr. Goldman: Thank you for getting us on the agenda. I'd like to quickly address those questions. We tend to move heaven and earth not to shut down the car wash during construction. I would suspect that we may be down for half a day for this. We'll have to skinny up some lanes and throw more people on vacuums at different areas, but we won't intend to be down any significant time. Regarding the light fixtures, we will certainly work with staff, and we may have actually made a mistake on the plan. We'll resubmit and ensure we meet the standards of the LDO.

Comm. Coleman: On one of the drawings, it talked about an erosion-control device at three different locations. Is that part of this project as well?

Mr. Goldman: Our civil engineer might be better able to answer that, but I believe it is for when we are doing the actual construction. We want to make sure nothing flows into the street.

Comm. Coleman: I see him nodding. With regard to the plantings, greenery is being moved from the islands to another part of the lot. Where is that going? I noted something toward the front along 119<sup>th</sup> street.

Mr. Goldman: That is exactly where they will go. We've got very full plantings, and that is important to our site.

Comm. Coleman: I think it is five Sea Green Junipers and a Tiger Iris Sumac that will be in front.

Mr. Goldman: Yes.

Comm. McGurren: What is noted in C101, which happens to be a view of the entire facility, gas pumps are located near the building. If a car were to have parked in the pump that is closest to 119<sup>th</sup> Street and closest to the building and another one pulls in, coming the same direction toward the south, is there room for a car to go around and exit between the pumping station and the new section being redone?

Mr. Goldman: C106 shows some of the car movements. It's a little tighter than we'd like, but it's doable. We certainly have other locations with similar layouts. Short of getting rid of pumps, which doesn't make sense, this is the best solution.

Comm. McGurren: Just to confirm, if two cars are side by side, one can exit past the other and not be on the island and not be precluded from moving through by the other car?

Mr. Goldman: It will be tight, but yes.

Chairman Elkins: Thank you. Other questions? Mr. Goldman, do I understand that, with respect to the rest of the stipulations, you have no objection?

Mr. Goldman: No objections.

Chairman Elkins: With that, do any commissioners wish to be heard on the application?

Comm. Coleman: I do have concerns with that area by the first pump, but the applicant says that it can be done and we have a study saying that cars and trucks can move through there. I agree with Commissioner McGurren that it is tight now. Pushing that island out is going to make it even tighter. I can see a car getting caught in there and not being able to get out until someone leaves that first pump. That's my only concern with this, but it seems that the applicant is comfortable with it.

Mr. Sanchez: Since they are going to be providing staff with a different photometric study, it is possible to add a stipulation to have them provide an additional vehicle circulation study that can show two cars moving past each other.

Comm. Coleman: I think that would be a good idea, just to give Governing Body more information before they approve the project.

Mr. Goldman: That would be fine.

Chairman Elkins: Other comments? Mr. Coleman, would you like to make a motion?

**A motion to recommend approval of CASE 11-20 – CAMELOT COURT – WATERWAY GAS AND WASH COMPANY - Request for approval of a Revised Final Plan, located north of 119th Street and west of Tomahawk Creek Parkway – with the addition of Stipulation No. 14, requiring the applicant to provide an updated vehicle circulation study to address the circulation between the new island and the first row of pumps – was made by Coleman; seconded by McGurren. Motion carried with a unanimous vote of 6-1. For: McGurren, Belzer, Hoyt, Coleman, Block, Peterson. Opposed: Hunter.**

CASE 19-20 – 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 the use of asphalt shingles on non-residential buildings. **PUBLIC HEARING**

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 19-20 – Leawood Development Ordinance Amendment to Section 16-2-10.3, Materials and Colors. This amendment specifically addresses an incongruence between two sections that talked about roofing material. One section refers

to everything except single-family, and the next section refers to everything allowed within single-family that has districts associated with it. In the first section that applies to allowed roofing material for non-single-family, it referred to single-family as a use. The second section referred to single-family districts. We've run into problems with that situation because in single-family districts, many other uses are allowed with a Special Use Permit, including schools, churches, independent living facilities, and assisted living facilities. Many of these wouldn't fit with the residential style. We would like to clarify the intent of the ordinance, which is to allow single-family homes to have asphalt shingles. The other uses would have to follow the guidelines for commercial buildings. That is typically how we have applied it; we are merely trying to correct the incongruence in the ordinance. Staff is recommending approval, and I'd be happy to answer any questions.

Chairman Elkins: Thank you. Questions for Mr. Klein? I was struggling a bit with this. Do we achieve all that you described simply by changing the caption for Section D? I haven't read it with great detail, but this surprises me.

Mr. Klein: In this case, we think it does. We looked at the rest of the ordinance. This would allow single-family homes in mixed-use districts to have asphalt shingles, which staff thinks is appropriate. We have incurred instances with an applicant wanting asphalt shingles on buildings that have parking lots and light fixtures and act more like a commercial building. That is the reason for the clarification.

Chairman Elkins: Thank you. Other questions? Because this is an amendment to the LDO, a Public Hearing is in order.

### **Public Hearing**

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

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

**A motion to recommend approval of CASE 19-20 – 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 the use of asphalt shingles on non-residential buildings – was made by Hoyt; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Peterson.**

CASE 20-20 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-5.4, REQUIRED PARKING RATIOS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to covered parking requirements in Mixed Use zoned areas. **PUBLIC HEARING**

**Staff Presentation:**

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 20-20 – Leawood Development Ordinance Amendment to Section 16-4-5.4, Required Parking Ratios. This amendment deals with parking requirements within the MX-D district. Parking within an MX-D district includes all the uses, meaning MX-D allows all uses except Planned Business District (BP). When it came to parking, a multi-family building within an MX-D district had to meet the requirements of multi-family districts in RP-4, which has a requirement of two parking spaces per unit, one of which must be totally enclosed. This amendment clarifies that it does apply in MX-D. We’ve had questions about that. Again, the way it was interpreted was that all of the uses in the Table of Uses, along with all the regulations associated with those particular districts, would carry forward into the MX-D. This clarifies that a multi-family building requires two parking spaces per unit, one of which must be totally enclosed. The reason for that interpretation is we are trying to create a village-type setting with walkability in MX-D districts. When surface parking is increased, walkability is reduced significantly. Staff is recommending approval for this application, and I’m happy to answer any questions.

Comm. McGurren: Does the definition of “totally enclosed” include a single-space parking garage? Would it also include an open-air parking garage?

Mr. Klein: We have always included open-air parking garages.

Comm. McGurren: Does this include the top level of a parking garage with no enclosure over it?

Mr. Klein: Yes.

Comm. Block: I don’t know if I understand the range in this table. It says 3.02-3.15 per 1,000. Can they not have four?

Mr. Klein: That is correct. Before this current ordinance, most uses had a parking minimum. For commercial, everything had a minimum of 5 per 1,000. If the developer wanted 12 per 1,000, nothing in the ordinance prevented it, and we noticed that many of these parking lots sat empty most of the time. When this ordinance was adopted back in 2002, we established a minimum and maximum in all the zoning districts. The parking ratio for the MX-D district is a little bit lower than commercial because of shared parking.

Comm. Block: The MX-D developments are Park Place and Mission Farms?

Mr. Klein: Parkway Plaza, too.

Comm. Block: How are those treated now? Do they all meet this proposal?

Mr. Klein: They all meet it.

Mr. Coleman: This is really a clarification. All of those already meet this requirement. In MX-D, parking studies are often submitted so the ratio of spaces is reduced.

Comm. Block: Can they get that in a variance?

Mr. Coleman: No, they can do that by submitting a study.

Chairman Elkins: On that point, the parking ratio is called a requirement, so it seems to mandate two per residential unit, one of which is totally enclosed. How would one get a variance away from that?

Mr. Coleman: In the parking study, it would still require one to be enclosed, but the surface parking could be reduced in order to use more land for structures or apartments. Instead of being two spaces per unit, a developer could do a study that shows one use versus another allows for shared parking.

Chairman Elkins: The narrative in Subsection A states that these are minimum required ratios and that the requirements may be modified on a project basis based on traffic engineering parking plan approval by the city.

Mr. Coleman: We've had people question it because the ordinance doesn't specifically require the two spaces in MX-D. This is meant to clarify that.

Chairman Elkins: This is a matter of semantics. It requires two per residential unit, one of which is totally enclosed, plus 3.0-3.5 per 1,000 gross square footage. Does the square footage of the residential unit count in that?

Mr. Coleman: No, it is referencing the other uses, including retail and office. That is what we would normally call for in those uses. It's up to 4 spaces in retail and 3.5 in office.

Chairman Elkins: Reading it literally, I see that it says 2 per residential unit plus 3.0-3.5 per 1,000. Maybe the right response for the drafting would be, "per 1,000 gross non-residential."

Mr. Coleman: Is there a reason we took out lease space?

Mr. Sanchez: Most of the time when we get plans, we don't know what the lease space is. They can break up the inside however they want to. Normally, all we get is the gross square footage of the building. That is why we entered gross square footage. We would be okay with inserting "non-residential."

Comm. Peterson: On Page 5, it discusses a retirement community. How does someone come up with 0.27 per dwelling unit on a weekday and 1 per dwelling unit on a Sunday?

Mr. Coleman: A lot of it is taken from studies of these apartment building uses. I think this came from the ITE (International Traffic Engineering) handbook. They have a list of different types of uses and the parking requirements for them. These are based on actual use counts.

Chairman Elkins: .27 seems like a precise number.

Mr. Coleman: Yes.

Chairman Elkins: It suggests that folks living in retirement communities don't have cars.

Mr. Coleman: They have fewer cars.

Chairman Elkins: Are there other questions? If not, this is another amendment to the LDO, and a Public Hearing is required.

### **Public Hearing**

Kevin Jeffries, Leawood Chamber and Economic Development Council, 13451 Briar Drive, Suite 201, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Jeffries: You mentioned some of the MX-D developments, but keep in mind that the entire 135<sup>th</sup> Street Corridor is set up as MX-D. We have been talking to a lot of apartment and multi-family developers. The trend is away from one enclosed unit per dwelling unit. Most of the other apartment complexes along 135<sup>th</sup> Street find that they cannot even lease if they have .6 per dwelling unit. It is not an industry trend, and it drives the cost of building apartments up substantially in Leawood. Mr. McGurren and I happened to have a conversation about what parking places cost. They are very expensive to add. As far as adding more surface area, it depends on how they are laid out. Car ports count in some cases. Do people want enclosed spaces to store their stuff, or do they want to keep a car out of the snow? A covered space would do that. I just think we, as a city, have been having these discussions through our Economic Development Council, and we need to start thinking about being market friendly. Those of you who went to the joint meeting with the City Council and Planning Commission know that the cost of building housing in Leawood is quite a bit higher than the average values in Leawood because 70% of our housing is valued at under \$625,000, and everything that is being built is over that. If we want people to stay in Leawood, by forcing that requirement of the parking garage on that, it pushes up the cost. One of my staff lived in Overland Park. She and her husband each paid \$200 extra per month for an enclosed parking garage for their housing. I just wanted to bring that up as a practical piece of policy. We really need to start thinking about autonomous vehicles coming on more, which will lead to fewer cars. We just need to think about that as a community.

Chairman Elkins: You make good points there. You mentioned \$200 per month, but can you give us a sense of the cost differential for an enclosed space versus a parking field?

Mr. Jeffries: I have not done any actual studies yet on that. I'm just stating what every apartment developer we've talked to has stated. They don't typically do that many. We've probably talked to 6-8 who are interested in various parts along the 135<sup>th</sup> Street Corridor. Many of them will not want to build here because of that requirement. There are others who think it's fine. It just depends on their mentality and how high they want their rents to be. There are some who will, and we've had them build here. I just know it's really limiting our market as far as monthly rents we'll have to charge for people to live in these complexes.

Chairman Elkins: You make a good point. You really raise two separate issues. I'd be curious for your thoughts on how they relate to each other. One is the question of the requirement of totally enclosed parking spaces. You mentioned autonomous cars and the potential for reduction in the need for parking altogether. Can you talk about how those issues relate to each other?

Mr. Jeffries: We've talked to Burns & McDonnell about autonomous vehicles. They say we'll have them prevalent in 20 years. If that is the case, we may have to change our policy later because we won't need as many spaces. The way that relates to the enclosed parking is it adds cost. My son lived by Top Golf and had enclosed parking, but there were parking garages separate from the apartment building that took up as much ground space. They would meet our requirements, though.

Chairman Elkins: In those conversations, I'm trying to understand the link between autonomous vehicles and the reduced need for parking. Is the assumption that we won't own our own vehicles?

Mr. Jeffries: Yes. Uber will be autonomous vehicles, so we will need fewer tires per household. Who knows how long that will be? We just don't know for sure; it's just something to think about as we plan for the future of our community.

Chairman Elkins: Other questions for Mr. Jeffries? Thank you. Is there a motion to close the Public Hearing?

**A motion to close the Public Hearing was made by Hoyt; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Peterson.**

Chairman Elkins: That brings us to a discussion of the proposed amendment, especially in light of the comments made by Mr. Jeffries.

Comm. Coleman: I was looking at Mr. Klein during Mr. Jeffries's comments. I went two years ago to the National Planning Conference annual meeting. There were several

different seminars on autonomous vehicles. Like Mr. Jeffries mentioned, it's not if they're coming; it's when. A lot of those seminars discussed what we need to do to change our regulations going forward and that they would be so prevalent that it would be like the rollout of cell phones. With that being said, I don't see where we're at a point to change our regulations, thinking that might come. I think that it's something we consider for the future, but right now, I think we have to still assume the current regulations and assume the current ratios with enclosed spots.

Comm. Block: I agree with Mr. Jeffries and what he said about detaching these. I think the idea is that they're tucked within the building, and the building goes up instead of out. To his point, do any of our current MX-D developments have detached, covered parking?

Mr. Klein: Currently, we don't. It's something we've addressed as it's been proposed. It's not that they don't technically meet the enclosed parking space requirement; the problem is that it also causes a visual blockage. We're talking about MX-D developments here, and we want to try to maintain as few barriers as possible. Mr. Jeffries indicated it would be more parking but that it is a matter of designing it, but often, we get into other restrictions. For instance, we have the 60/40 rule makes the buildings closer. We think it's a good thing that provides more presence on the public right-of-way. It allows parking to be hidden behind. That means parking areas are limited. Creating the additional parking has a tendency to push buildings apart, which is not what this type of development is meant to do.

Comm. Block: I appreciate Mr. Jeffries's comments, but for my vote, we've required all these other developments to put their parking in as described in as this change, and I think it should stay that way. I concur with Commissioner Coleman. It only takes a month or less than a month to change our ordinance. When that day comes, we can make the change. There is no need to account for that today in our ordinance.

Chairman Elkins: I would note that one of the things I see in the LDO as it stands right now is that it does present flexibility. This isn't an absolute mandate of either the covered spaces or the density parking spots. Those parking spaces may be modified on a project-by-project basis, depending on what the traffic study says. I would encourage Mr. Jeffries, when talking with the various developers, while there are certainly no promises, to make sure they understand that flexibility. Other comments? If not, is there a motion?

**A motion to recommend approval of CASE 20-20 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-5.4, REQUIRED PARKING RATIOS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to covered parking requirements in Mixed Use zoned areas – including the addition of the words, “non-residential space” after “gross square footage” on Page 4 - was made by Coleman; seconded by Hoyt. Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Peterson.**

*MEETING ADJOURNED*