

**City of Leawood
Planning Commission Meeting
July 28, 2020
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: Stevens, McGurren, Elkins, Coleman, Block, Hunter (logged on after the meeting began), Belzer, Hoyt, Peterson.

APPROVAL TO SUSPEND CERTAIN RULES OF PLANNING COMMISSION DUE TO PANDEMIC:

A motion to suspend certain rules of the Planning Commission due to the pandemic was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Peterson, Hoyt, Belzer, Coleman, Block, and Stevens.

MEETING STATEMENT:

To reduce the likelihood of the spread of COVID-19 and to comply with social distancing recommendations, this meeting of the Leawood Planning Commission is being conducted using the Zoom media format, with some of the commissioners appearing remotely. The meeting is being livestreamed on YouTube and the public can access the livestream by going to www.leawood.org for the live link. The public is strongly encouraged to access this meeting electronically; however, if you wish to comment on a public hearing item, please contact the Community Development Department to make arrangements.

Public comments will only be accepted during the public hearing portion of each agenda item where a public hearing is required. The City encourages the public to submit comments in writing prior to the public hearing by emailing comments to pcpubliccomments@leawood.org. Written public comments received at least 24 hours prior to the meeting will be distributed to members of the Planning Commission. Those wishing to appear remotely using the Zoom format media, should register at pcpubliccomments@leawood.org on or before Friday, July 24th at 5:00 pm. Individuals who contacted the Planning Department in advance to provide public comments will be called upon by name.

Electronic copies of tonight's agenda are available on the City's website at www.Leawood.org under Government / Planning Commission / Agendas & Minutes. Because this meeting is being live-streamed, all parties must state their name and title each time they speak. This will ensure an accurate record and make it clear for those listening only. This applies to all commissioners, staff, applicants and members of the public who may speak. All motions must be stated clearly. After each motion is made and

seconded, a roll call vote will be taken. The Chair or staff will announce whether the motion carried and the count of the vote. Reminder, please mute all microphones when you are not speaking. Thank you.

Commissioner Hunter joined the meeting.

APPROVAL OF THE AGENDA

Chairman Elkins: Does staff have any revisions?

Mr. Sanchez: We do not.

A motion to approve the agenda was made by Coleman; seconded by Steven. Motion carried with a unanimous roll-call vote of 8-0. For: McGurren, Peterson, Hoyt, Belzer, Hunter, Coleman, Block, and Stevens.

APPROVAL OF MINUTES: Approval of the minutes from the June 23, 2020 Planning Commission meeting.

A motion to approve the minutes from the June 23, 2020 Planning Commission meeting was made by Stevens; seconded by McGurren. Motion carried with a unanimous roll-call vote of 8-0. For: McGurren, Peterson, Hoyt, Belzer, Hunter, Coleman, Block, and Stevens.

CONTINUED TO THE AUGUST 25, 2020 PLANNING COMMISSION MEETING:

CASE 49-20 – CAMERON’S COURT – Request for approval of a Rezoning from AG (Agricultural) and SD-O (Planned Office) to RP-2 (Planned Cluster Residential Detached) and MXD (Mixed Use District), Preliminary Plan, and Preliminary Plat, located south of 133rd Street and west of State Line Road. **PUBLIC HEARING**

CONSENT AGENDA:

CASE 58-20 – EURONET WORLDWIDE – SIGN PLAN – Request for approval of a Final Plan for a Sign Plan, located south of 114th Street and west of Tomahawk Creek Parkway.

A motion to approve the Consent Agenda was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 8-0. For: McGurren, Peterson, Hoyt, Belzer, Hunter, Coleman, Block, and Stevens.

NEW BUSINESS:

CASE 56-20 – LEAWOOD FIRE STATION #1 & PARK – Request for approval of a Preliminary Plat and Final Plat, located south of 96th Street and East of Lee Boulevard. **PUBLIC HEARING**

Staff Presentation:

City Planner Grant Lang made the following presentation:

Mr. Lang: This is Case 56-20 – Leawood Fire Station #1 & Park. The applicant is requesting approval of a Revised Final Plat to combine Lot Nos. 15-19 within the Leawood Estates Residential subdivision into one lot. This application is limited to the re-platting of five lots into one lot and does not include rezoning or design for the property. This process will allow for the removal of existing interior lot lines and the adjoining setbacks. The existing R-1 zoning will remain with this application. This is the first step in a multi-step process that the project will have to undertake. Further, they will be required to submit a Preliminary and Final Plan. Once the design process starts for the site, an additional Public Hearing and Interact Meeting will be required. The application does meet all requirements per the LDO (Leawood Development Ordinance), and staff recommends approval of Case 56-20 with the stipulations listed in the Staff Report. I'll stand by to answer any questions.

Chairman Elkins: Thank you, Mr. Lang. Are there questions?

Comm. Coleman: What is the purpose of combining the five lots together?

Mr. Lang: At this point, we don't have a plan; it is just clerical work to get all the city property into one large lot.

Comm. Coleman: Is there a reason to get it all into one block?

Mr. Lang: I believe they would like to place an additional Fire Station on the new property after removing the old one, but at this point, we don't have that information.

Comm. Coleman: I was looking at the diagram in the Staff Report. As I understand, the existing Fire Station looks like it's primarily on Lot 2 and a little bit on Lot 1. Lot 3 includes the old City Hall. Lot 4 is vacant, and it used to hold the cell phone tower.

Mr. Lang: And the old Police Station.

Comm. Coleman: And then is it an existing home on Lot 5?

Mr. Lang: There was a home on the property. The city has acquired it, and the home is gone.

Comm. Hoyt: There are numerous comments of concern from neighbors. It seems like the primary concern is lack of a plan at this point for what is going to be done on the property and a questioning of the process and if this is typical. I wonder if you could reflect a bit on the sequence of steps and if this is a standard practice to ask for the re-platting before there are any plans whatsoever.

Mr. Lang: Any property owner within the City of Leawood is allowed to re-plat property at any point in time as long as it follows the LDO. Nowhere in that ordinance does it state

that a plan is required. We saw this with the recent Whitehorse residential subdivision. They combined two lots into one without a plan.

Comm. Hoyt: Did we have a vague notion of what they would do with that property? I'm trying to figure out if this is in the range of what has typically been done in the past or if this is somehow different.

Mr. Lang: It certainly is allowed within the LDO. With the Whitehorse case, there was mention of a pool. At that point, we were not supportive of developing on proper lines. This is just clearing the way for future development.

Comm. McGurren: Is it fair to say that, in the documentation from the Interact Meeting, one of the major concerns was related to the park and whether the neighbors wanted a park. I was on the Parks and Recreation Board recently, and my recollection was that this subject had an Interact Meeting a long time ago, and there was overwhelming support for a potential park. They sought perspective on the type of park. I was surprised to read that this meeting unfolded a perception of potential park. Is there anything that can be said about that comparison from before to now?

Mr. Lang: I think the reason it was called a park in this instance is it was reflecting what was on the Comprehensive Plan, which does show it as open green space for public use. If opinions changed for the residents, it would be a great question to ask them.

Comm. Block: You indicated this is a housekeeping measure. I think there was reference to it in the Interact Meeting from those who represented the city from the engineering company. From a design perspective, why is this step necessary? Does it affect their ability to design?

Mr. Lang: Without having a plan in front of me, I would assume if they are left with the individual properties, they would have to go up instead of out because they're not going to be allowed to develop on the property lines. Those property lines also come with a 15' setback. This would help with capacity and allow them to develop. The neighborhood is not supportive of a two-story building. This would satisfy that need.

Comm. Block: From a cost perspective, does not having this approval and then trying to design, having to change designs down the road because there is movement with the lots?

Mr. Lang: I'm not sure how much it would impact a cost-related activity. All we know is they want to re-plat and satisfy that need, clearing the way so they know what they can design. Now, they have limitations.

Comm. Block: It would not change any of the setbacks on the perimeter of all of the parcels, correct? They're not going to be able to get any of this any closer to the exterior sides?

Mr. Lang: That is correct; it only impacts the interior lines. This is still going to be zoned R-1. The setbacks will stay they same as they are now.

Comm. Block: Would this need to be rezoned at some point to put the Fire Station back on there?

Mr. Lang: It doesn't need to be rezoned, as the use is allowed.

Chairman Elkins: Are there other questions? What impact will the re-platting have on the zoning?

Mr. Lang: The zoning isn't a part of this application, so it wouldn't have any impact at all.

Chairman Elkins: If, for some reason, there is a desire or need to rezone, what would the city have to do in order to accomplish that?

Mr. Lang: The city would have to fill out an application, and then we would have an Interact Meeting.

Chairman Elkins: It would come back to the Planning Commission, correct?

Mr. Lang: Yes, it would.

Chairman Elkins: It would have a Public Hearing for the rezoning, correct?

Mr. Lang: Yes.

Chairman Elkins: We would then have to make a decision to recommend it to Governing Body for approval.

Mr. Lang: Correct.

Chairman Elkins: What impact will the proposed re-platting have on any deed restrictions on the five lots that are subject to be re-platted?

Mr. Lang: My basic understanding is the deed restrictions run with the land. Legal may have more to say about that.

Chairman Elkins: For my own edification, what are the standards we should be applying to make a determination whether we should recommend re-platting to Governing Body/ In certain circumstances, we have Golden Criteria. I'm not suggesting they apply here, but could you give some guidance on the standard we should be applying?

Mr. Lang: I might pass that off to Richard Coleman.

Mr. Coleman: You want to make sure that all the property lines, description of plat, any easements or other encumbrances on the property are known. That would be of interest to Governing Body. The platting has no effect on deed restrictions on the lot that the city bought. I know that was a question from a number of the residents. This is the normal process for developers. Often, there are multiple pieces of property for a development, so the first step is platting the property. Then that takes care of a number of issues that may arise when surveyors and engineers research the property. As was alluded to before, we don't allow buildings to be built on property lines. We have interior setback requirements for interior property lines. By removing this, it allows whoever the city chooses to do the design to proceed knowing where the setbacks are, where the restrictions are, and not have those interior lot lines. We don't know the final layout, but there will be opportunities for the public to participate throughout the process.

Chairman Elkins: Thank you. Mr. Lang, in the event that the city desires to develop part of the space for a public park or green space, what would the process be for the city?

Mr. Lang: I believe at that point, it would have to be rezoned to Recreational.

Chairman Elkins: Assuming that goes through the same process, what about the plan for the park itself?

Mr. Lang: It would follow the same process of Preliminary and Final Plans, including Public Hearings as well.

Chairman Elkins: There has been a lot of conversation about the Fire Station. If and when such a plan is proposed to be executed, what is the process for that proposal?

Mr. Lang: There would be an Interact Meeting with a Public Hearing, going through Planning Commission and Governing Body.

Comm. Block: As a follow-up, the 1952 Covenants and Restrictions, referenced in one of these letters, is a legal matter that is not part of the LDO and not something Planning Commission and City Council would consider. Is that correct?

Mr. Coleman: The deed restriction, as Mr. Lang said, runs with the land. One of the encumbrances on the property are things the architect and engineer have to work around. There are sometimes deed restrictions on commercial property, too; it depends on what the original owner intended.

Comm. Block: We're not going to have to worry about it, but it's the northernmost and southernmost properties that have those?

Mr. Coleman: I believe it's the southernmost property only. It's the property that had a house on it. This gives more room for development and more room between existing homes.

Chairman Elkins: Thank you. Other questions?

Comm. Peterson: In the Interact Meeting, one of the participants – Katy Yeller – referenced a Susan’s Lot. Is that the southernmost property?

Mr. Coleman: I believe it is.

Comm. Peterson: How did the city come to acquire that?

Mr. Coleman: They purchased it.

Comm. Peterson: It wasn’t gifted or anything like that?

Mr. Coleman: No, it was not gifted.

Chairman Elkins: Thank you. If there are no further questions for staff, I’ll open the Public Hearing. I would note that seven members of the community have registered to speak. We’ll permit four minutes for each speaker. I know from the reading I’ve done of the notes from the Interact Meeting that it is possible that a number of the residents who wish to be heard may have questions for staff. I will note that this is not an interactive sort of activity, but I would ask Mr. Lang to keep track of the questions, and the city will have an opportunity to respond following the closing of the Public Hearing. In our normal course of events, the applicant is given an opportunity to respond to staff before the Public Hearing is convened. In this case, it is a bit unusual because the city is also the applicant. Is there anyone from the city who wishes to be heard as applicant as contrasted from the planning staff?

Brian Scovill, City Engineer, made the following comments:

Mr. Scovill: We do have our consultant engineer, Judd with Phelps Engineering, on the Zoom call. He is available to assist with questions. If he has comments he feel would be appropriate to add to the record, he may do that.

Judd Claussen, Phelps Engineering, 1270 N. Winchester, Olathe, KS, appeared before the Planning Commission and made the following comments:

Mr. Claussen: We were retained by the city to prepare the technical documents for the Preliminary and Final Plat. Many of the comments and remarks I was going to make tonight have been discussed already, so I’ll be brief. Brian and I participated in the Interact Meeting on July 15th. The pages of notes provided to you were recordings of those conversations. We tried our best to answer the questions we could, and there were several questions relating to the plan of the future Fire Station, future possible park, and other types of future activities that may go on, on that site that really weren’t part of this application that we were not able to answer. With that, I’ll stand for any technical questions you may have on the plat.

Comm. Block: When we've seen an issue where the two sides are not on the same page, they've worked together behind the scenes. In light of all these comments that are in our packet, does the city want to do a different process here, even though it sounds like this is the normal process? Has there been effort to reach out, other than the Interact Meeting? When an attorney represents a developer, those conversations might happen.

Mr. Scovill: I believe those conversations would happen during the design phase. Right now, we're in the re-platting phase, which tends to be more of a formality of creating one solid lot. That is where we are now.

Chairman Elkins: With that, we will move on to the Public Hearing. Again, comments will be limited to four minutes. I will advise you when you're at one minute. As I indicated, I'm anticipating as a result of some of the dialogue that there will be questions. Staff will have an opportunity to respond, and then we'll move to consideration.

Public Hearing

Cary Shaw, 9618 High Drive, appeared before the Planning Commission and made the following comments:

Mr. Shaw: I live directly east of 9619, which is the address of the home that was purchased by the city. What I would like to do first is thank Brian Scovill, Judd Claussen, Grant Lang, and Scott Lambers because each of them has sat and listened to me and others, expressing our concern. What we're asking respectfully for the Planning Commission to do is reject this plat request. There is no complete or clear plan on what is going to happen with this property. What we're going to have to live with is whatever happens in a piecemeal fashion where these five lots get put together. The very first thing that is going to occur is while the internal setback lines change, it doesn't affect our homes to the east; it affects the homes to the south and north because the setback changes from having a residential lot. Then, the north at 9605 is actually a separate parcel that the Kroc brothers left to keep a distance from the homes on 96th Street. If you read the deeds and restrictions from 1952, you'll find a bunch of worthwhile information related to this. We're asking you to reject it or table it until there is a clear plan for what is going to happen. While it was said earlier that there was universal approval for a park, no one asked the homeowners at 9610, 9612, 9614, 9618, or 9620 High Drive or 9625 Lee. None of this was going on when they were doing their original discussions on the Fire Station. Now, the status quo has changed because a residential lot has been purchased. Eliminating the setbacks and the lines will significantly impact Katherine Geller's house at 9625 Lee Boulevard. We have no objection to a one-story Fire Station. Everybody wants it. People were disappointed when the Police Department left. We were hoping that a precinct would be maintained in North Leawood. What we've already seen is people camping in the trees. The morning after that occurred, the Police Department arrived at our door to find out if we were camping in our back yard. We've already seen backpackers and people walking their dogs back there. Of course, every home along this has dogs, and the dogs go running at the fence because there's an intruder. The park concept is not something we are interested in. What we're interested in is a one-story Fire Station and leaving City Hall or relocating City Hall onto the new lot. In talking with

Scott, to get the design they have right now on the site, they need 35 feet. We don't have a problem with a variance; just leave the lot as it was. Do the screening, give the variance so they can have their driveway. 100% of the people support the Fire Station; it is just a matter of a park on Lee Boulevard that will create traffic issues, safety issues, and a whole bunch of volume. Ideas being tossed around include turning the old Fire Station into a pavilion, a water park, and a train park. This is not like there's a street, a park, and a street separating the neighbors; it is back yards butting up to this property. The Kroc brothers left that property residential. They agreed to the Fire Station. They weren't around when the Police Department came, and they agreed to City Hall. There are deeds and restrictions. It is currently zoned Residential. This is different than Whitehorse. This is not a homeowner requesting a lot line change so they can put in a pool. This is the city asking for five lots to be put together into one spot. It is a very different situation, so we're asking the city to reject or table this until the city comes forward with a better plan or clearer plan that buys in to all the people behind the property and across the street from the property because we're the ones affected. All the rest of the people that came and commented that they're upset about a park don't have to live across the street from it or behind it. With that, I'll stand down. We respectfully ask you to reject or table this until a later date when there's a better plan.

Chairman Elkins: Thank you, Mr. Shaw; we appreciate your comments. Is Charlotte Saw online?

Mr. Shaw: She can't get her computer to work, so go to the next one.

JoLynn Hobbs, President of Leawood Homes Association, appeared before the Planning Commission and made the following comments:

Ms. Hobbs: I'm also a member of the Leawood Parks and Recreation Advisory Board. I'm just joining to be aware of what's going on in our neighborhood. I was also very involved in the Brook Beatty Park, located between 83rd and 95th on Lee Boulevard. I'm just joining to be aware of what's going on in our neighborhood. Thank you.

Chairman Elkins: Thank you; we appreciate your comments. Is Mike Faulkner on the line? We'll go to the next on the docket and see if he joins us later.

John McElroy, 2327 W. 96th Street, appeared before the Planning Commission and made the following comments:

Mr. McElroy: I live directly to the north of the Fire Station, right behind the community garden. I think that Mr. Shaw did a fantastic job of explaining our concerns. I don't pretend to speak for my neighbors or anything else, but this does directly affect me. I trust the committee to make the right decision, whatever that is, but I want to make sure there is an allotment for landscaping and appropriate border, whether that's fencing or whatever that might be, or maybe there's an allotment given to the residents to build their own border or landscaping to block whatever is built. I think it would make much more sense to have this conversation when we know what the plan is. That's why I think that

Mr. Shaw stated very well that, without having a real plan, it's hard to give our approval unconditionally. I do trust the committee; I just ask that whatever design is presented, there is an allotment for appropriate borders and landscaping. I think that's all I wanted to voice my concern over. This is the first time I heard about the splash park, which is maybe slightly concerning. When I think about the fact that the Leawood Park is one mile down the road with a splash park, I'm not exactly sure why we want to spend our tax dollars building a splash park. I'm open to listen. Once there's a plan, I will attend the Interact Meeting, which is probably more appropriate. With that said, I'll yield the rest of my time.

Chairman Elkins: Catherine Geller is on the line, but it appears we can't hear her, even though it says she is not muted.

Unidentified Speaker: I believe the microphone is not set up correctly with Zoom. *(Gives direction on setting up the microphone)*

Chairman Elkins: Ms. Geller, it appears this isn't working. If you want to try to call in, we'll come back to you. Thank you so much. I'm sorry our technology is challenging tonight.

Ellen Brown, 9614 High Drive, appeared before the Planning Commission and made the following comments:

Ms. Brown: I will just echo everything that Kerry Shaw said. We understand that there's going to be a Fire Station behind us. They've talked about that since before we bought our house. We're all fine with it. As far as a park goes, I thought the comment about neighbors being gung-ho about a park was interesting because since we've moved here, no one has ever asked us if we wanted a park. The first meeting we attended that we heard about a park asked what kind of park we wanted. It was never a question of wanting a park in our back yard, which we do not. I also agree with Kerry that it's one thing to have a backdoor neighbor; it's another thing to have complete strangers walking along your fence line in your back yard, not knowing who they are or what they're there for. That's very concerning. The biggest question is I'm trying to understand why, if there is no plan, how they know for sure that they need more space. That is all I have.

Chairman Elkins: Thank you. Ms. Geller, are you able to hear us?

Catherine Geller, appeared before the Planning Commission and made the following comments:

Ms. Geller: I want to thank all of you for taking the time to do this and Kerry for all he has done, along with all of my neighbors. I do have the house that is directly south of 9619 Lee Boulevard, the house that was taken down. My driveway, my front walk, and back yard face directly north to whatever would be built at that lot. Part of the confusion is that we don't know what the city might plan for that lot, whether it would impose on our privacy and noise and change the character of the neighborhood. A green space is

fine with all of us. I don't think anyone is opposed to a variance filed by the city for its own encroaching up to 10 feet with the Fire Station. As I understand from Mr. Lambers, they only need to come within 10 feet of 9619 Lee Boulevard. I don't think that 10 feet on the north side of that would impinge upon anyone with the one-story Fire Station. It could be that I will never be able to go into my garage privately again or entertain in my yard privately again, depending on what the city does with this lot. Several issues have not been addressed. Is this a needed joinder, or will the variance satisfy the requirement for the Fire Station to come within 10 feet of what I refer to as Susan's Lot? Is there a less restrictive means to accomplish the same goal as a variance? Is there a possibility of harm in having joinder at this point before some parameters and clarity are given as to what is to occur? Is there supposed to be a park where the old Fire Station is? Are they envisioning a museum or a quiet place that is not including parking lots and strangers looking into my home, my back yard, my garage? No one would want a house taken from next door to them and have their privacy destroyed. It not only destroys the land; it destroys your life. I think we are all concerned. The harm is the R-1 zoning that these plats are all zoned begs the question if we have a residential lot next to us and the zoning needs to change on a residential lot next to us at this time, will it still have to change in the future? If, by joinder, the vote that is required of the neighbors to do that if circumvented because, obviously, the Fire Station is going to take the priority and all of the plats joined will have to have the same zoning now, where at this particular point, they could be zoned differently, in effect, we will not have much say over what happens according to the current requirements. That is a concern. Is there even a possibility of harm in joinder, and is it the least-restrictive means to ensure that the Fire Station plans can go forward, which we all want, and that they can come within 10 feet of Susan's lot, which is not an issue with me because there happens to be a forced border of landscaping at this particular time? What we don't know is if that landscape border will be taken down so that all of the fire trucks will come within our vision. We just don't know anything; I guess that's just the bottom line. There is a possibility of harm at having joinder at this part, and it does not appear necessary from anything that was said, particularly when a variance would satisfy any existing need for the Fire Station plans to proceed. Is the vote of the neighbors, as required at this time prior to any rezoning of the lot next to me, still allowed with respect to a specific plat, separate from the other plats? The other plats are already used for public uses. Will the restrictions, deeds, and zoning of this plat be allowed to differ from the other plats? If not, then a plan needs to be set forth with just parameters. I'm not saying it needs every specific thing, but parameters of what is envisioned for this lot. Is the use going to be quiet and in character of the land, as a green space would be or the historic courthouse, or is it going to be a use that invades our privacy and allows people to look into my yard when I'm in my garage and affect the security and living of my family? I think you can probably all put yourself in that spot. It's a curious spot to be in, for sure, but the potential harm outweighs any need for a joinder at this point when a variance would suffice, and parameters are needed.

Chairman Elkins: Thank you; we appreciate your comments. I'll go back to Ms. Shaw. Do you care to be heard? Sounds like not. I think I saw something that indicated that Mr. Faulkner was away from the city, but I wanted to make sure he has the opportunity in

case he called in from wherever he is. If not, is there anyone else who wishes to be heard on Case 56-20? If not, do I hear a motion?

A motion to close the Public Hearing was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 8-0. For: McGurren, Peterson, Hoyt, Belzer, Hunter, Coleman, Block, and Stevens.

Chairman Elkins: Does anyone from planning staff or city staff have comments, particularly with respect to the question about rezoning?

Mr. Lang: Rezoning isn't part of this application at this time, so we're just focusing on the re-platting. The Fire Station would be allowed in R-1 as it currently is. As far as any of the deed restrictions go, reflecting what Director Coleman said, it would be something the applicant and the HOA would have to work out as far as what they would be restricted on.

Chairman Elkins: The bottom line for me is if the citizens who spoke tonight will have a chance to have their views heard once a plan is actually proposed by the city for whatever use the city desire for the property.

Mr. Lang: Yes, they will absolutely have an Interact Meeting, and they'll have a chance at the Planning Commission during the Public Hearing.

Chairman Elkins: So, they'll have another opportunity at a Public Hearing to give us their thoughts when they see what plan is actually proposed.

Mr. Lang: Absolutely.

Chairman Elkins: Other questions?

Comm. Block: If this were to be rezoned in the future, would the rezoning have to run with the plat lines? Is there even a scenario where, if all these properties are combined into one as is before us, and it's decided down the road that the southern portion of this property is to become a park, it would have to be rezoned Recreation? It couldn't be a park and be R-1, correct?

Mr. Coleman: A public park is a permitted use in an R-1 zoning district. It wouldn't need to be rezoned. There will be a public planning process where all the neighbors and citizens who he an interest in whatever occurs here will be heard. The city hasn't gotten to that stage yet, but it will be coming up. My understanding is the city is going to hire an engineer and architect to design the Fire Station and plan for the property. At that time, everybody will have a chance to provide input on what should occur on this property.

Chairman Elkins: You came across a little garbled on a key point. Is a public park use appropriate in a district zoned R-1?

Mr. Coleman: Public uses are permitted uses in R-1 zoning districts. That's why schools are allowed in R-1 zoning, and so are all public properties. That's why the Fire Station was there before; that's why the Police Station was there before. There is no rezoning required, but there will be a Public Hearing and public planning process so everyone has a chance to give their input.

Comm. McGurren: Richard, it seems to me, to the point made earlier, if the applicant weren't the city, we'd be sitting here asking this of the applicant. In 1952, supposedly the Kroh brothers proposed and City Council approved the special section of land that is on the far northern portion of the property. Is there a scenario where that border could be left, the middle two lots lines could be removed, and the lot line that, at the moment, is to the north of 9619 could be moved to a point that would be similar to the point to the one that is drawn to the north? This would give a buffer zone on the far southern side like the people have on the far northern side and thus establishes one significant lot in the middle that is large enough to accommodate everything the city does but also continues to provide the buffer that they have to the north and could have to the south? Was that a possible option and somehow decided against?

Mr. Coleman: I think the city's intent is that this is a clean slate for the Fire Station development. It's why we didn't leave the cell tower there. Its lease was not renewed. That's why we tore out the old Police Station, and there's a possibility that the old City Hall might be moved. The old Fire Station might not be there, either. My understanding is the intent of this is just to remove the internal lot lines so we have a clean slate for development of this property. That would be a normal process for any developer.

Chairman Elkins: Thank you, Mr. Coleman. We'll move on to a discussion of the application to re-plat the five lots located south of 96th Street and east of Lee Boulevard.

Comm. Coleman: I'd like to echo Mr. Coleman's comments that this is the first step to creating the plan in order to get the five plots together so a proper plan can be done for the site. From my personal experience before joining the Planning Commission, I was on the Parks and Recreation Advisory Board for three years. I know that this tract of land has had the city's eye for a number of years to have a replacement for the Fire Station, as well as a park. That information is five-plus years ago. I think that's probably still the intent. The reason for that is North Leawood does not have a lot of parks, unlike Central or South Leawood. Anytime there is an opportunity to have open space in the north part of Leawood, the city wants to grab that opportunity. As far as I know, nothing has been decided, like if it will be more of a passive or active park. I know one of the concerns was parking or lack of parking for that site. This is the first step to creating a good plan for the site. The city will definitely engage the neighbors and the public. As far as I'm concerned, this is just the first step.

Comm. Block: I plan to vote in favor of this proposal. I think the clean slate is needed in order to properly develop this area. I think it will be too limiting with these property lines. I think input from the concerned residents is good. I know the city will take that into consideration, as I would if I were buying this and heard these comments about what

people wanted or didn't want on this property. I think that's going to go into the next step in the process. There were references in some of the comments about the amount of money that has already been spent on some of these parcels. I think it would be wasted money if multiple plans had to be drawn up to try to fit in these parcels. I think the LDO that we have to work within for any development in the city requires a lot of landscaping and berming, especially in these public areas. I think there's a school on 103rd that we considered not too long ago that raised concern about traffic lights and neighboring properties. We've dealt with tree easements or buffer zones between that and Ironhorse Park. I'm hopeful the city will take to heart all of these comments into their next steps in the process, and we'll see a plan presented to us in the future that will alleviate those concerns. I think this process needs to move forward so they can get a plan.

Comm. Hoyt: I just want to follow up on Commissioner Block's statement. In hearing from the residents and so forth, a big concern, understandably, is the establishment of some sort of buffer area for the residents that will be directly affected. As one measure of reassurance, I don't know that I've ever seen the city accept a plan that didn't have very good landscape buffers as opposed to what was there already. That is a chronic issue, and the city takes that very seriously with a high priority on maintaining mature trees if possible and, in fact, generally improving landscape buffers. Obviously, there is not a plan, but I would be stunned if that weren't a key consideration.

Chairman Elkins: Thank you. Other comments? If not, is there a motion?

A motion to recommend approval of CASE 56-20 – LEAWOOD FIRE STATION #1 & PARK – Request for approval of a Preliminary Plat and Final Plat, located south of 96th Street and East of Lee Boulevard – was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 8-0. For: McGurren, Peterson, Hoyt, Belzer, Hunter, Coleman, Block, and Stevens.

Chairman Elkins: Is there any other business to come before the Planning Commission?

Comm. Coleman: I have a question for staff with regard to the work session coming up in two weeks.

Chairman Elkins: I think we'll discuss that once the meeting is adjourned. Any other business?

A motion to adjourn the meeting was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 8-0. For: McGurren, Peterson, Hoyt, Belzer, Hunter, Coleman, Block, and Stevens.

Chairman Elkins: Thank you to the public for the participation this evening.

MEETING ADJOURNED