

**City of Leawood
Planning Commission Meeting
January 26, 2021
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, Coleman, Block, Stevens, Hunter, Belzer, Peterson, Elkins. Absent: Hoyt

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, Coleman, Block, Stevens, Hunter, Belzer, and Peterson.

MEETING STATEMENT:

Chairman Elkins: 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, January 22nd, 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.

APPROVAL OF THE AGENDA

Chairman Elkins: Are there any changes to the agenda?

Ms. Geist: No.

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

CONTINUED TO THE FEBRUARY 23, 2021 PLANNING COMMISSION MEETING:

CASE 89-20 STATE LINE MXD – Request for approval of a Rezoning From SD-O (Planned Office) and R-1 (Planned Single Family Low Density (15,000 Sq. Ft. Per Dwelling)) to MXD (Mixed Use Development District), and Preliminary Plat, Preliminary Plan, located south of W. 86th Terrace and west of State Line Road.

PUBLIC HEARING CASE 98-20 – LEAWOOD CITY PARK – AQUATIC CENTER – Request for approval of a Preliminary Plan and Final Plan, located south of I-435 and east of Lee Boulevard. **PUBLIC HEARING**

CASE 04-21 – MARKET SQUARE – NEW HORIZON ACADEMY (DAYCARE, COMMERCIAL) – Request for approval of a Special Use Permit, Preliminary Plan, and Final Plan, located north of 135th Street and east of Mission Road. **PUBLIC HEARING**

CONTINUED TO THE MARCH 23, 2021 PLANNING COMMISSION MEETING:

CASE 69-20 – HILLS OF LEAWOOD VILLAS – Request for approval of a Final Plat and Final Plan, located north of 151st Street and east of Mission Road.

CONSENT AGENDA:

CASE 111-20 – CREATIVE HOSPITALITY SOLUTIONS – MONUMENT SIGN – Request for approval of a Final Plan, located south of 127th Street and west of State Line Road.

CASE 03-21 – OSAGE DOWNS 2nd PLAT – Request for approval of a Final Plat, located south of 141st Street and East of Canterbury.

A motion to approve the Consent Agenda was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, and Peterson.

NEW BUSINESS:

CASE 06-21 – RANCH MART REDEVELOPMENT – Request for approval of a Revised Final Plan, located north of 95th Street and east of Mission Road.

Staff Presentation:

City Planner Katherine Geist made the following presentation:

Ms. Geist: In front of you on the dais are a couple changes to our stipulations. The first three are being replaced with stipulations on the previously approved set and the resolution. Nothing has changed with them. No. 10 has to do with the use of manufactured stone that was approved with Case 120-19. Similarly, with No. 12, the walls surrounding the parking fields had manufactured stone, which was approved as well. The concrete masonry units were approved with the previously approved plan.

Chairman Elkins: Those were approved by Governing Body in an override of the Planning Commission's recommendations, correct?

Ms. Geist: Yes, they were. Nos. 41 and 42 carry forward to your set of stipulations that were approved by Governing Body and added back in to your set of stipulations. They have to do with the metal siding on Price Chopper and the offsite signage. There is nothing new there, either. No. 40 was a change with the addition of the two stipulations. The set of stipulations you have in front of you is the most updated one.

This is Case 06-21 – Ranch Mart North Shopping Center – Request for approval of a Revised Final Plan. The original Final Development Plan was approved by the Governing Body on January 6, 2020 with an override of the Planning Commission's decision. There have been a few changes since the last time this portion of the project was in front of you. The primary changes to this plan include a reconfiguration of the plaza area, addition of a screened room on the side of the Meat Mitch building as well as updates to the hardscapes and landscapes of the NBKC Bank and the Care Now buildings. The first change is the pedestrian plaza located between the main center and the new retail/office building. The layout of the plaza changed to have a central green space constructed of artificial turf, primarily for relaxing and lawn games. Originally, this was supposed to be concrete and was not programmed as it is now. Surrounding this area are other spots with multiple seating options, plantings, and programming opportunities. To be situated at the north-central end of this plaza is an area designated for a food truck. This space uses impervious pavement for the proposed vehicle to park on to avoid tearing up the artificial turf. A green wall has been proposed within the newly updated plaza space as well. This will be located on a portion of the west and southwest walls of the plaza and is constructed of artificial vegetation. This vegetation is attached to a black wire lattice material, which is then adhered to the wall behind it. Art pieces were shown on the renderings of this Revised Final Plan, but none are being approved with this submittal. Any art pieces to be used in this development will be required to come back through for approval at the time they are proposed.

The second change is the addition of a screened patio area to the east side of the Meat Mitch building. This resulted in a 300 sq. ft. addition of building space, which did

not noticeably change the F.A.R. (Floor Area Ratio) for this site. The screened patio will not have any utilities, heating, or cooling run to it, but will be framed and enclosed with a black vinyl covering and black screen netting that are intended to be a fixed screening mechanism for the area. The vinyl can be operable if needed. While no HVAC system is being run to this portion of the restaurant, fans will be included inside of the patio as well as portable space heaters. Additional changes to the approved Final Plan are as follows: the addition of another trash compactor to the north (rear) side of the Price Chopper building that mirrors the one that was approved with the original Final Plan and is a relocation from the original trash location near the bank. The sidewalk on the west side of the Care Now building was reoriented to allow for additional green space, and new islands were provided for bank teller lanes. An additional green space was added to the east side of the bank just north of the parking stalls. The landscaping on the site also changed slightly. In addition, the previous proposal had a total of just over 14,000 plantings, and this plan has close to 15,000 plantings. This is a net increase of 626 plantings from the previously approved plan, which includes additional perennials, evergreen shrubs, ornamental grasses, and ground cover. All phasing for the project has stayed the same. This application meets all requirements of the Leawood Development Ordinance (LDO). Staff recommends approval with the stipulations listed. I would be happy to answer any questions.

Chairman Elkins: Thank you. Are there questions?

Comm. Block: It's hard for me to understand where the Meet Mitch building, the green space, the food truck area, and the trash compactor are.

Ms. Geist: *(Refers to plan and points out areas in question)*

Comm. Block: The bank is not going to have its own trash receptacle?

Ms. Geist: Correct.

Comm. Block: There is no trash where it used to be?

Ms. Geist: They relocated it to behind the bank. It was originally just a trash enclosure, and they made it a compactor behind Price Chopper.

Comm. Block: The Meat Mitch building is in the southeast corner?

Ms. Geist: Yes.

Comm. Block: We might have taken this up in November, 2019. On Page 4, I don't know if I'm reading it right, but the minimum open space percentage requires 30% and goes to 17%. It seems like it would improve the nonconformance? It says it reduces it.

Ms. Geist: Yes, reducing it is making it more compliant.

Comm. Block: Page 6 refers to the phasing. It says that nothing has changed. Is the color-coordinated area supposed to represent what the phasing is?

Ms. Geist: Yes; I believe it starts with the blue and goes clockwise. That was approved with Case 120-19.

Comm. Block: We're only seeing the smaller portions because Governing Body approved the rest?

Ms. Geist: Correct.

Comm. Hunter: Does the applicant have a copy of what you provided to us tonight?

Ms. Geist: We were in conversation with them this afternoon, but I don't believe they have the exact copy. They are aware of the changes.

Comm. Coleman: Can you compare the open green space to Park Place? Is it similar in size?

Ms. Geist: I believe it is similar. We require 30%, but I don't know the exact number for Park Place.

Mr. Klein: Park Place is almost right at 30%. I'm not sure if you meant Barkley Park. I think it's similar or at least in the general range.

Comm. Coleman: My question was about the specific open space.

Mr. Klein: The area with the programming and artificial turf?

Comm. Coleman: Yes.

Chairman Elkins: Other questions for Ms. Geist? Is the applicant present?

Applicant Presentation:

Trip Ross, Cadence Real Estate, 7939 Floyd, Overland Park, appeared via Zoom before the Planning Commission and made the following comments:

Mr. (Trip) Ross: I am the project developer. We have several here from the team tonight, but I'll begin. We have three architects that can get into the details of the project. We're just over a year now of construction and demolition. Construction in earnest really started in June with the facades and the Mixed-Use building. There were changes early in the process, particularly as it relates to the bank. As we had more conversations with NBKC, it became clear that from a logistic and security standpoint, the installation of the dumpster enclosures adjacent to the bank property was not going to be a wise decision. That change was made quickly in the construction process. Similarly, even after approval in January, we knew that programming and adding a true purpose to the pedestrian plaza

that we're now calling The Lawn was going to be an integral part of the project and set it apart from anything else in Kansas City. We saw a lot of opportunities, and while we hope to rely on tenants to program it to a certain extent, we felt a greater obligation to add our own tone and purpose to it. Through the addition of Aaron Ross, we were able to do that. I'd like to clarify that we are programming this, but there will be 2-3 restaurant tenants in the Mixed-Use building that will also have use of this space. The area at the north end was created for a variety of reasons. First and foremost is that it's a public gathering space where families could enjoy lunch; birthday parties could be hosted. There are utility hookups for a food truck or a seasonal user. That is not the long-term purpose of that space. We would expect that to change continually and certainly seasonally. It was also a way to create a barrier so this area will be safe for families with young children and pets. We want it to be a space where people can gather and feel comfortable in what is actually a large open space. To compare it to Park Place, they are similar in size, though this area can be connected to numerous parts of the center. It is actually a little larger, given the scale of everything else around it. Bringing it down to scale, you can see we have shade control and other elements that make it feel a bit more intimate and private as compared to the rest of the project. With that, we have Al Abernathy with Clockwork, who is the architect for our key restaurant tenant, Meat Mitch. Brianna McKenzie with Davidson and Aaron Ross with Hoerr Schaudt are on as well.

Chairman Elkins: As a preliminary matter, are you and your client satisfied with the changes we received this evening on the stipulations, or is there any concern?

Mr. (Trip) Ross: We'd certainly like to work through them with staff. Some of it was a little last-minute, but I believe everyone on the Zoom is prepared to address them.

Chairman Elkins: Thank you. Do you care to move forward?

Mr. (Trip) Ross: We'd certainly like to move forward. We have full design teams on and available for questions.

Chairman Elkins: You indicated you still had concerns with the stipulations and that you wanted to work through those. Do you care to identify the stipulations you're concerned about and explain to us what modifications you think are necessary?

Mr. (Trip) Ross: I believe Aaron, Brianna, and Elle will address those.

Chairman Elkins: Who would like to go first?

Brianna O'Neill, 4301 Indian Creek Parkway, Overland Park, appeared via Zoom before the Planning Commission and made the following comments:

Ms. O'Neill: As far as the stipulations go, I believe we worked through the items that I had concern over. They were mainly pertaining to previously approved materials. If anyone has questions regarding the trash enclosure changes or the green space changes, I am available to answer questions.

Chairman Elkins: So, you do not have any objections to the stipulations as they were presented to us tonight?

Ms. O'Neill: I do not have a copy of the final stipulations, but if I heard correctly, Katherine has addressed my concerns.

Chairman Elkins: Thank you. Are there questions for Ms. O'Neill? Mr. Ross, do you have concerns about any of the stipulations?

Aaron Ross, 2100 Central, Kansas City, MO, appeared via Zoom before the Planning Commission and made the following comments:

Mr. (Aaron) Ross: I think we're good. I think the main concern was addressed in that the art wall can be submitted for approval later because we're still working on those details.

Chairman Elkins: Do any of the commissioners have questions for the applicant or their architects?

Comm. McGurren: The last page of the packet contains the four renderings of what The Lawn would look like. I am a connoisseur of food trucks but am no expert on them. When a food truck is in use and cooking, is there any exhaust that might become a concern? It looks like it is parked very close to what might be a seating area directly to the left of it.

Mr. (Aaron) Ross: I think generally speaking, in spaces I've worked on with food trucks, as long as we're in an open space and we're not seating people directly behind the truck, we should be in good shape. Part of that will depend on exactly what vendor will be there. It's a good concern, and we would have to address that based on an individual truck coming in.

Comm. McGurren: How much space do you think there is between the seating area and the end of the truck?

Mr. (Aaron) Ross: About 15 feet, and the end of the truck will likely face east.

Mr. (Trip) Ross: To call this a food truck area is to misrepresent it a bit. This is meant to be space that can be programmed in a variety of ways. It could be a kiosk similar to the one next to the ice rink in Park Place. It could be a box office for events that we hold within the space. It isn't necessarily just a truck with hookups and exhaust fumes.

Comm. McGurren: Do you see it consistently in the same place, or do you see it moving in and out of that lawn area on a daily or regular basis?

Mr. (Trip) Ross: I see it consistently in that space, but again, this could be an area that we don't program for a period of time. It could be completely vacant for months. For

example, this time of year with inclement weather, it is less likely to have utility for the space. The goal of engaging Aaron was to make this area have as much utility and activate it in every creative way possible. We've all traveled and studied commercial real estate and shopping center design. Allowing as utility as possible to this area was the key priority.

Comm. McGurren: I like the idea. I was just curious about the distance from the seating area and then also the way in which the vehicle would be entering or exiting The Lawn area and whether or not it was through what looked like a pedestrian sidewalk opening.

Mr. (Aaron) Ross: That is correct. Basically, the pedestrian opening to the north is wide enough to allow the vehicle through. There is a sliding gate for security. Essentially, someone would have to oversee pulling the truck in. The truck or kiosk would stay north of the artificial turf; it is just the concrete pad north of The Lawn. Regarding the utility of that space, another consideration we've had is that it allows a small truck to be pulled in if an event were to occur in the space, allowing more flexibility and access to the space. It obviously is blocked off to any other vehicular traffic.

Comm. Stevens: I'd like to commend the applicant, developer, and owner team for the improvements made with this application, including the changes to the main center items, but especially the landscape architecture and public spaces. It's clear these new updates will no doubt enhance the overall center. I think it's really a good submission.

Chairman Elkins: If there are no other questions, we'll hear comments.

Comm. Coleman: I'd like to echo Commissioner Stevens's comments. I think it includes good changes to the area. I'm especially pleased with the open space and the public area that can be used for multiple purposes. I think that area of Leawood would really appreciate it. There's not a lot of open space for the community in that area. I think it will be a great addition to the north part of Leawood.

Chairman Elkins: Thank you. Other comments? Seeing none, is there a motion?

A motion to recommend approval of CASE 06-21 – RANCH MART REDEVELOPMENT – Request for approval of a Revised Final Plan, located north of 95th Street and east of Mission Road – was made by Coleman; seconded by Stevens. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, and Peterson.

CASE 01-21 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-6.4, MIXED USE DEVELOPMENT DISTRICT – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to percentage of uses. **PUBLIC HEARING**

Staff Presentation:

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 01-21 – Leawood Development Ordinance Amendment to Section 16-2-6.4, Mixed-Use Required Use Ratios. Within this amendment are two parts. The first goes into a reduction in the required percentages for Mixed-Use. Currently, the requirements are 20% residential, 10% retail, 20% office. We are automatically going to reduce the amounts to 15% residential, 5% retail, and 15% office. The second part would add a part for infill development. Within the City of Leawood, there are not many areas for infill development. Where we see it fit, we would like for it to be zoned Mixed-Use and use the areas around to make up for the percentages. For an infill development, we would reduce them further down to 5% for each. To clarify, infill development would be for developments without a main structure or an underdeveloped area, such as the State Line Mixed-Use area across from Ward Parkway. That could be infill development. I am happy to answer any questions.

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

Comm. Coleman: Why bring this before us? What's the underlying push to move this through?

Mr. Sanchez: For years, staff heard that it is hard to develop retail, especially in this environment. Since COVID hit, it has been even harder. This allows for the existing MX-D developments to move retail spaces around and maybe turn some into office or residential spaces. New developments could use the percentages to their advantage. We have some developments coming in that are feeling the need to not do as much retail or office.

Comm. Coleman: How many developers are saying they can't work with current requirements?

Mr. Sanchez: That has been every developer. This is to help give the flexibility.

Comm. Coleman: In your discussions with applicants, does this seem okay with them? Are they on board with this reduction?

Mr. Sanchez: We have some developers online tonight who would be able to speak to that. From what we've heard from the development groups we have talked to, they would like any sort of reduction to these percentages.

Comm. Block: Didn't we already reduce these in the last year or so?

Mr. Sanchez: Not to my knowledge.

Mr. Klein: We broke them out. Originally, when MX-D came before you, they had to have 30% commercial, which later got broken out into 20% office and 10% retail. Ricky was absolutely right; when we have met with the development community, especially in

the times we're operating now, they have looked for more flexibility. That is really what we're trying to address.

Comm. Block: Just one follow-up question: would you see it going back? Is this temporary?

Mr. Klein: No. Even prior to COVID, we had a lot of developments that were struggling. Retail has been struggling because of online shopping. The intent is to recognize that it is harder. We've heard some people that don't feel like in their particular situation that office is the best as well. That is why it was addressed.

Chairman Elkins: Thank you. Other questions? Because this is an amendment to the Leawood Development Ordinance, a Public Hearing is in order. Before I open it, I would note that we would provide for a five-minute presentation by each of the witnesses. I have two on my list.

Public Hearing

Curtis Peterson, 900 W. 48th Place, Kansas City, MO, appeared via Zoom before the Planning Commission and made the following comments:

Mr. Peterson: I'm here tonight speaking on behalf of the owner of the 8680 State Line Road property, which all of us know as the former overflow parking lot for the Ward Parkway shopping center. My client has been working for months on an MX-D project for the aforementioned site, which is an infill site, as staff noted, to put multi-family, retail, and a large office building. It became clear a few months ago that the current MX-D requirements would prevent the project from moving forward. When I talk about requirements, I mean the very thing that is in the amendment tonight: the percentage of office, residential, and retail that is required. Staff understood. Given what staff has accurately said as a repeat player, I've seen in the development community the requests over time for these percentages to be relaxed. That is all accurate and true. The impetus for this moving forward at the moment was this very project that staff had been working closely with my client, the developer, on, was just hitting a brick wall with this infill site and those percentages. Staff understood and initiated the amendment for the greater good of the city and also to help this project move forward. We greatly appreciate this. The good news is that the amendment before you, while being a good change generally for future MX-D projects in the city and also accommodates from a percentage standpoint across the different uses the proposed project for this site. The bad news, which is really just a procedural point, is that within the last month in working with the neighbors, which has been a time-intensive, but good, task, it became clear that the project needed to change to replace a large office building with a small office building and high-end townhomes, along with the retail and multi-family. Hopefully everything goes well with the amendment and you'll see the plan soon, but the neighbors are now bordered by these high-end townhomes, and speaking generally after having neighborhood meetings, the neighbors are happy with the plan. I believe staff was, too. It's a nice plan, but the procedural point I raised is now, although the percentages and the LDO amendment accommodate the plan, because of the addition of the townhomes, the plan now violates a

different requirement in the MX-D provision, which is the limitation on residential units not to exceed 15 units per acre. The current plan I'm telling you about is just under 18 units per acre. Limiting to 15 units per acre would eliminate approximately 30 residential units. Financially, it truly would, without question, kill the project that has been going on for months. It can't financially be done. We believe there is a very compelling case, especially in these few infill sites in the city, to allow for up to 18 units per acre. Procedurally, based on how the publication for tonight's Public Hearing was made, which was focusing on the different percentages and not the residential units per acre, it's not proper to get into and ask for some sort of change to the language with the Planning Commission tonight. The request before you with all that as context is that we would like the opportunity to hear from you tonight as you first deal with the LDO amendment before you, which we think is great, but for the fact that it also doesn't relax this 15-units-per-acre limitation. We would ask that you express to staff to work with us on that and come back before you with proper, separate publications so we can deal with that issue as well. Hopefully, after going to City Council, we could come back with the actual Rezoning and plan for that former parking lot. Thank you for your time. Again, we're not intending to get into the details and debate of the units per acre. We would like the opportunity to work with staff on that and come back before you as soon as possible. I'm happy to answer any questions. Thank you for your time.

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

Comm. Block: Where does the requirement for 15 units per acre reside? It's not in this portion of the ordinance unless I missed it.

Chairman Elkins: He made the point that it's not up for decision tonight.

Comm. Block: It's not in the part of the unchanged text?

Mr. Peterson: In your packet, you'll find something with Article II at the bottom right. The table shows residential density, and you'll see a reference to the units per acre.

Chairman Elkins: Other questions for Mr. Peterson? Thank you for your comments. Mr. Oddo, could you please introduce yourself?

Rick Oddo, Oddo Development, 3747 W. 117th Terrace, Leawood, appeared via Zoom before the Planning Commission and made the following comments:

Mr. Oddo: It's nice to be on this side of a presentation. I want to address several things here. I was before your commission months ago, and one of the commissioners asked me why the area hasn't been developed. I listed several reasons. One of them is that it's very hard to make these numbers work at the percentage you're asking for. As you know, Mr. Regnier did a study on the need for what should be there. It said very limited office and retail. I would say, as a developer, major types of development including retail, office space, and residential apartments, the most profitable is successful retail where you're getting \$45 a square foot or more. Apartments only get \$12-\$16 a square foot per year in

rent. Office is somewhere in the middle. Clearly, developers are incentivized to put the most profitable item out there, which is retail, followed by office, followed lastly by residential. We're all incentivized to do retail if possible. If it can't, we certainly don't want to have anything that's going to sit empty because that doesn't help anybody as we all know. We want to put the ratios where we feel they can be most successful. Where you had it before was way too much. I love the idea of 5% and 5% for the infill. I would ask that you expand that to also include all MX-D. If you get farther away from 435, you'll never see heavy office space used. You've got a lot of space still available in front of Hallbrook, up and down College Boulevard, 435, 69Alternate, over by Metcalf. All those areas have to fill up first before it would ever come out to the MX-D area in the 135th Street Corridor. I would recommend that you lower the required office. If we can get an office user in there, we will, but don't force us to shove a square peg in a round hole. I would ask you to reduce it to 5% and 5% on both office and retail. I would go along with what Mr. Peterson said about 15 units per acre for residential. I worry about that. People think that's a lot. The reality is that most apartment communities, even the low-density ones, in Overland Park, Lenexa, and everywhere else, are 20-24 units per acre in the low-density, and the high-density start to get up to 35 and 40 units per acre and higher. It's not uncommon to have an infill site with 40 units per acre. To go to 18 units seems very reasonable, if not 20-24 units or more. I don't know if I would require a minimum, but I would allow the amount of residential to increase. I would not put such a restriction on office and retail. I think you've had a lot of developers come and tell you the exact same thing. I'm not the first one. Even your own market survey that was done in '14 said something very similar. I think this is not a COVID issue; it is a location issue. When you get too far away from the highways, you don't need that much retail or office. If you have any questions, I'd be happy to answer them.

Chairman Elkins: Thank you. Questions for Mr. Oddo? I don't see any. Thank you, Mr. Oddo and Mr. Peterson. I appreciate you stepping forward tonight at the beginning of a process as opposed to at the end of the process and telling us why our LDO won't work for the plans. Are there any others who wish to be heard on Case 01-21? If not, is there a motion to close the Public Hearing?

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

Chairman Elkins: That moves us to a discussion of the pending change to the LDO. I'd like to give staff an opportunity to respond to the comments and the suggestion that we should reduce the requirements even further than what is proposed here.

Mr. Sanchez: Being that this is the first reduction that we have done to the Mixed-Use percentages, staff would like to keep them as proposed tonight. Other developments within Leawood have been using these percentages and are being constructed. We'd maybe like to see what kinds of development we get out of this, and then if we're still having issues with development and things of that nature. We can always come back and

reduce them at a later time. We wouldn't want to totally reduce them now and then lose the possibility of getting the type of development that Leawood would like.

Chairman Elkins: Why the distinction between infill and green-field development?

Mr. Sanchez: Infill development would have surrounding developments that would help it mimic the other percentages. The State Line development has an existing residential area north and is connected to an office development to the south. It uses those to its advantage to be seen as an infill development. Green-field developments are open, and we see those as opportunities for new developments to come in. We wouldn't want one to use an existing neighborhood to have no connection to it and then be able to use those percentages toward that development.

Comm. Block: I'd be curious to hear your thoughts about the unit change that was discussed.

Mr. Sanchez: I don't know if we're necessarily supportive of that change. We would want it to affect all Mixed-Use developments. If the Planning Commission would allow it, we could take a look at it, just not with this ordinance change here. We could work with developers and see what they are looking for in future developments. We could maybe bring something forward to you at a later Planning Commission meeting.

Comm. Coleman: Let me go back to the infill portion of the development. How much infill development have we had in the last couple years?

Mr. Sanchez: Along State Line, there have been some freestanding sites that could have possibly used this. That would have been if they were to be zoned Mixed-Use. If it were to make more sense and if our Comprehensive Plan shows it as Single Family Residential or something along those lines, that is what we would go forward with. There are not a lot of areas in Leawood that would qualify for this. This wouldn't be allowed in an existing development. If a development is having a hard time selling a lot, this wouldn't apply. This is more for the freestanding lots that aren't a part of a development but could be seen as so with the surrounding area.

Chairman Elkins: Are there other questions? I know it's not a topic we're going to make a decision on tonight, but could you give some of the factors we would need to consider when it comes to the density of residential units?

Microphones went out

Mr. Sanchez: With the existing subdivisions in Leawood, there is a lot of large development happening, a lot of existing large lots. To have a Mixed-Use development about that and also be high density may not necessarily be okay with those existing residents. The developers have asked for more and higher densities, but keeping in character with who Leawood is, we've kept it at a lower high density. We would be willing to look around and see what cities around us are doing and do more research.

Mr. Klein: Ricky is right. The 135th Street Corridor Plan has a transition, going from lower-density existing development. Infill development often doesn't have room for that transition. It seems like some of the other Mixed-Use developments we have are mainly a little less than 10 dwelling units per acre. I know Mr. Oddo indicated other cities have higher densities. The way Leawood calculates density is we take the entire parcel and divide the number of dwelling units by the acreage of that parcel. It really spreads it out. That's something we would go to other cities to see how they're calculating the density. If we start drawing the line closer to the apartments, suddenly the density goes way up. It could be a factor.

Chairman Elkins: Would there be a way to set a standard and then provide for deviations? Often, in our LDO, it's set. In my view, we don't have much leeway once the limits are set within the LDO. We often ask if we have the authority to approve a deviation. Could we consider to provide something like a standard of 15 and a max of no more than 18-20 or whatever? Then the applicant could present circumstances that would warrant going beyond the standard.

Mr. Klein: If that is the direction Planning Commission and City Council wanted us to go, we certainly could. For Floor Area Ratio, for example, we have bonusing to try to provide flexibility. It is not so much giving carte blanche to go up to another percentage that is higher. If amenities or improvements are provided, it could then increase. I imagine something similar could be done with the density as well.

Chairman Elkins: I know this isn't really the topic of tonight's motion, but talking about this density business worries me that setting it at 18 will generate more funds, which will be what a developer will come in with immediately. If we leave it at 15 but have the discretion to increase it based on particular circumstances, in my mind, it would be preferable so at least we would have an opportunity to defend the 15 if we think it's really right while recognizing extenuating circumstances that might be appropriate for expanding. I'm curious to hear other commissioners' thoughts on this topic and, more importantly for this evening, what they think about the percentage allocations.

Comm. Hunter: I think this discussion has been really helpful, but I think that does make sense to give the city a bit of flexibility if you allow for an increase from 15 in certain circumstances. I'm not sure that's on the table tonight, but I appreciate the discussion and examples of infill development as well as how this would apply.

Comm. Coleman: Mr. Sanchez, getting back to the different percentages, like Commissioner Hunter, I'm glad we're having this discussion on Mixed-Use. Since I've been on, we've heard a lot of feedback from developers, so this is a good first step to look at it and make small changes instead of blowing up the 135th Street Corridor Plan. With regard to the different percentages, you're eliminating 5% from each one. Under the current developments, have we had developers agree to the 20%, 10%, 20%, come out with the plans, get the plans approved, and then not do the retail or leave the retail for the

last phase and never get around to it? In your experience, what goes on in the history of Mixed-Use development in the city?

Mr. Klein: We do have Mixed-Use developments that follow what you were saying. They come in and get approved for an entire plan. Everything is a developed plan, so they will do what is feasible for them first, whether it is the retail or residential. Then they feel out the market and see what they can build next. That is how the developments within Leawood happen. Parkway Plaza is a good example of a development that has taken a long time for each lot to be sold and developed. Slowly but surely, it's happening. That was a development that was approved with the previous percentages. This may be able to help them out, or they may stay with what they were approved with. That is the way we see this happening: we make a slight change, see what happens with the developments, and go from there.

Comm. Coleman: I'm fine with the 5% reduction across the board in new developments to give developers that flexibility. With the infill, I'm concerned with dropping it to such a low amount of 5% across the board with everything. The Mixed-Use percentages are to get a combination of retail, residential, and office all together in one cohesive site that works. I'm a little concerned with going down to 5% and perhaps losing that. What's to say that a developer won't do 90% housing, 5% retail, 5% office but never get to the retail or the office? Then, you lose the cohesiveness and our intent with Mixed-Use. That's just my concern.

Mr. Klein: One thing you have to keep in mind is they are approved as Mixed-Use, so as each project comes in, we're looking at the overall plan to make sure that they still have the ability to meet the mix of uses. The reason for the change with the infill development is that it's much smaller at a maximum of 15 acres, which isn't really a lot. Housetops and apartments help support the retail or office, but it's probably not going to be as much as it would be with a larger development with a lot more residential. This is trying to help areas where development is skipped over. Often, these developments have existing development adjacent to them that helps with that mix of uses.

Comm. McGurren: I am in favor of the reduction that is before us as far as an LDO change. I think it's great that the developers have provided perspective and insight that has led to this and could lead to other changes. I think it's smart for the Planning Department to take their time and assess options. I think the suggestion the Chairman made about having flexibility with maybe a range or a defined minimum with an opportunity to increase, given the parameters at the time the case is heard, is an excellent idea. I think the Planning Department should do research and come back with specific examples where this might have provided an advantage or maybe lost something it would have really wanted. Those are two separate things. I think we should vote on what we have and ask them to continue research.

Comm. Belzer: I agree with Commissioner McGurren. This takes a step in the right direction. We've been hearing from the developers a lot about having some flexibility and ability to allow projects to move forward in our constantly changing environment. I

know Commissioner Coleman has mentioned several times his desire to continue this conversation through work sessions with the Governing Body, and I echo those thoughts. That way, we can revisit the 135th Street Community Plan and be in a position to move projects forward that come to the Planning Commission. I really appreciate this kind of flexibility that we're discussing tonight.

Comm. Peterson: I really agree with Commissioner McGurren and Commissioner Belzer. This provides flexibility, and we can continue to look into options. I appreciated Mr. Oddo's and Mr. Peterson's comments tonight. I would definitely support approving the recommendation as stated.

Chairman Elkins: I also would express my appreciation to Mr. Oddo and Mr. Peterson for having appeared tonight outside of the context of an impending plan, though Mr. Peterson's was a little close. I very much appreciate them appearing at this stage of the proceedings rather than when they have a plan before us. Is there other commentary on the pending LDO modification? If not, is there a motion?

A motion to recommend approval of CASE 01-21 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-6.4, MIXED USE DEVELOPMENT DISTRICT – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to percentage of uses – was made by Hunter.

Mr. Sanchez: For a quick clean-up, on Page 3, it should be E and F instead of A and B.

Chairman Elkins: Is that acceptable, Commissioner Hunter?

Comm. Hunter: Yes.

Motion seconded by Stevens. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, and Peterson.

CASE 02-21 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-9-90, DIRECTOR OR DIRECTOR OF PLANNING AND DEVELOPMENT – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to the definition of the Director of Planning.
PUBLIC HEARING

Staff Presentation:

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 02-21 – Leawood Development Ordinance Amendment to Section 16-9-90 – Definitions – Director or Director of Planning and Development. This amendment clarifies the definition Director since we no longer have a Director of Community Development and now have a Planning Director. I am happy to answer questions.

Chairman Elkins: Thank you. Questions for Mr. Sanchez? If not, 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 Block. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, and Peterson.

A motion to recommend approval of CASE 02-21 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-9-90, DIRECTOR OR DIRECTOR OF PLANNING AND DEVELOPMENT – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to the definition of the Director of Planning – was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, and Peterson.

CASE 07-21 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-9-55, CAR WASH, FULL SERVICE – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to the definition of a Full Service Car Wash. **PUBLIC HEARING**

Staff Presentation:

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 07-21 – Leawood Development Ordinance Amendment to Section 16-9-55 – Definitions of Car Wash / Car Wash, Full Service. Currently within the LDO, it doesn't reference all the accessory uses that go with a car wash, such as vacuuming, drying, and things of that nature. This is to clarify that we would like all of those to be internalized within a structure or a structure that is connected to the main car wash. We've actually had a lot of people coming to us recently asking for car washes, and we're having issues with these accessory structures being too close to other properties. We really don't want to allow the vacuums to be right next to another property with all the noise pollution. This is just to closely define that we want those to be internalized. I'd be happy to answer questions.

Comm. Hunter: For example, Waterway has a vacuum outside. This would amend the ordinance so that anything being built going forward would have to be enclosed?

Mr. Klein: Waterway preexisted the current ordinance, so they have the vacuums outside. In the table of use, it has always read, "Car Wash, Full Service, Fully Enclosed." This is trying to match that in the definition so it is not misleading people coming in. Another issue we're having is meeting the 60/40 rule as well. People come in thinking that the vacuums don't have to meet the 60/40 rule, but the way it is defined, it has to be a

building or landscaping addition to 90' depth. This was always intended with the current ordinance; we are just trying to make sure that it is stated more clearly.

Chairman Elkins: To clarify Commissioner Hunter's question, this would require all of that to be inside?

Mr. Klein: Correct.

Comm. Stevens: You referred to the 60/40 rule. What is that?

Mr. Klein: When this development ordinance went into effect, it required that no more than 40% of the frontage along a frontage street could be pavement or parking lot to a depth of 90 feet. Instead of having all the parking lined up in front of the building like a typical strip development, it pushed the buildings closer to the street with a parking lot on the side.

Comm. Stevens: Related to the definition and modifications, the definition leaves a statement that this does not include self-service car washes.

Mr. Klein: They are not included in the Table of Uses. Since they are not listed, they are not a permitted use. If a definition doesn't match the Table of Uses, it would come to the Planning Commission for clarification.

Comm. Stevens: These car washes that are full service and totally enclosed are only allowed in retail districts.

Mr. Klein: Correct.

Comm. Stevens: It was clear that you want everything enclosed, but I'm not aware of any facilities that currently accommodate that.

Mr. Klein: I haven't really gone out and surveyed. There are some that are totally enclosed because they are all mechanical. It is maybe possible that somebody has vacuums and everything enclosed. I couldn't speak to that.

Comm. Stevens: It seems that it would be difficult to accommodate the vacuums.

Chairman Elkins: A few on the Missouri side come to mind.

Comm. Coleman: The only thing I can think of is someone who does car detailing as an example of being all enclosed. I can't think of a retail car wash that gets everything done in an enclosed area.

Chairman Elkins: For some reason, I thought there was one on Metcalf.

Comm. Block: There was one on 151st and Mission named that used to be Green Lantern, I think. It dries it, and then you pull it into a garage to do whatever detailing. It concerns me a bit. I feel like it eliminates competition. Is Waterway in Leawood near Ward Parkway?

Mr. Klein: I don't believe that is in Leawood.

Comm. Block: Can you help understand where they want to put these?

Mr. Klein: The latest one we had was on the site of the old Winstead's on 135th Street. It seems that a lot want to come in on a vacant lot on 135th Street. The majority have been in the Cornerstone development.

Comm. Block: What is wrong with the way Waterway does it?

Mr. Klein: The city is looking for a cleaner look. It makes it difficult along a public right-of-way. Drive throughs have certain issues with the 60/40 rule as well. The ones that we've seen usually have large banks of vacuum cleaners. It's not like the Waterway. The majority of what we've seen has cars park near vacuum cleaners. It takes up a larger area. I'm sure there are a lot of different models out there. The one I'm thinking of the most is the last one we saw.

Comm. Block: Couldn't you make the 60/40 rule apply? Did you say the Waterway conforms to that?

Mr. Klein: It probably would not because of the pumps and the circulation. Currently, we have Zips at Plaza Pointe. It's not a car wash, but a gas station. It was turned to meet the 60/40 rule.

Comm. Block: Is there another way to do what you're seeking? I have to believe it's a much larger expense. It could potentially be cost-prohibitive and then you're essentially just allowing one full-service car wash in Leawood.

Mr. Klein: That was just one example of some of the regulations they're having trouble meeting. When the ordinance went into effect in 2002, it was defined to be fully enclosed. This is trying to clarify what that means. I think the intent is that it be fully enclosed, aside from the 60/40 rule.

Comm. Block: I didn't understand that there is a separate table that basically says the same thing; this is just clarifying.

Mr. Klein: This definition is modifying it so it matches the title in Section 16-2-7, which is the Table of Uses. Whenever someone calls and wants to put a business in a location, we go to that section and see if it's in the Table of Uses. Then we typically go to Definitions to see how it is defined. What we might define it as might be different than

the LDO. In this case, the definition was vague enough and seemed to be causing a lot of confusion.

Chairman Elkins: Thank you. Other questions for staff? This case also requires 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 Block. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, and Peterson.

Chairman Elkins: That moves us to discussion. Is there additional discussion?

Comm. McGurren: Having heard the Staff Report, I would say that I would vote to approve this, based on the fact that it is a clarification. If this, in a sense, solidifies what had been decided in 2002 and just helps clarify the definition and marry this section with the remainder, I would vote for it. If it wasn't about a clarification, I would tend to vote no and agree with the concept that this seems to be quite limiting from the standpoint of options we might have in the future, given the fact that so few of these exist today.

Chairman Elkins: Thank you. Is there other discussion? If not, is there a motion?

A motion to recommend approval of CASE 07-21 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-9-55, CAR WASH, FULL SERVICE – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to the definition of a Full Service Car Wash – was made by Coleman; seconded by Hunter. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, and Peterson.

CASE 10-21 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-7.2, LANDSCAPING REQUIREMENTS – SINGLE FAMILY RESIDENTIAL – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to the rate at which street trees shall be planted. PUBLIC HEARING

Staff Presentation:

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 10-21 – Leawood Development Ordinance amendment to Section 16-4-7.2- Landscape Requirements – Single-Family Residential. This is another cleaning-up amendment. Back on July 15, 2019, we brought forward an amendment to change the rate at which we place street trees on all other developments at a rate of 1 per 40. We changed it from 1 per 35 lineal feet. We have noticed and realized that this did not include Single-Family, so this clarifies that we want 40 feet on all frontages to have a street tree.

Chairman Elkins: Questions for Mr. Sanchez? This case also requires 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 Block. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, and Peterson.

A motion to recommend approval of CASE 10-21 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-7.2, LANDSCAPING REQUIREMENTS – SINGLE FAMILY RESIDENTIAL – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to the rate at which street trees shall be planted – was made by Hunter; seconded by Stevens. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, and Peterson.

MEETING ADJOURNED